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STUDIES IN ECONOMICS AND POLITICAL SCIENCE

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GABRIEL BONNOT DE MABLY



GABRIEL BONNOT DE MABLY,

Ne à Grenoble le 14 Mars 1709, mort à Paris le 23 Avril 1785.

Acer, et indomitus, libertatisque magister.

GABRIEL BONNOT DE MABLY

By

ERNEST A. WHITFIELD, B.Sc. (ECON.), PH.D.

With an INTRODUCTION

by

PROFESSOR HAROLD J. LASKI

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258
1890

To
MY WIFE
MADELINE HOWARD WHITFIELD
in grateful acknowledgment

731786

CONTENTS

	PAGE
AUTHOR'S NOTE - - - -	ix
INTRODUCTION BY PROF. HAROLD J. LASKI -	xi

PART I

LIFE AND WORK

GABRIEL BONNOT DE MABLY - - -	3
I : EARLY LIFE AND WORK - - -	4
II : THE SECOND PERIOD - - -	7
III : POSTHUMOUS WORKS - - -	15
IV : SOURCES OF INSPIRATION - - -	18
V : HIS CHARACTER AND TEMPERAMENT -	22
VI : HIS INFLUENCE - - - -	25
VII : WHY IS MABLY FORGOTTEN ? - -	32

PART II

THEORIES AND RECOMMENDATIONS

CHAP.

	INTRODUCTION - - - -	37
I	THE NATURE OF MAN - - - -	40
II	MORAL CONDUCT - - - -	48
III	THE BASIS OF POLITICS - - - -	56
IV	THE ORIGIN AND GROWTH OF SOCIETY -	62
V	HISTORY - - - -	67
VI	EQUALITY, COMMUNISM AND PROPERTY -	71
VII	RICHES AND LUXURY - - - -	83
VIII	RELIGION—TOLERATION - - - -	86
IX	LIBERTY - - - -	95
X	LAW - - - -	102
XI	EDUCATION - - - -	109
XII	INTERNATIONAL RELATIONS - - - -	117
	<i>A.—General</i> - - - -	117
	<i>B.—War</i> - - - -	122
XIII	REFORM - - - -	129
XIV	THE ORGANIZATION OF SOCIETY - - -	136
	<i>A.—Democracy</i> - - - -	138
	<i>B.—Aristocracy</i> - - - -	139
	<i>C.—Monarchy</i> - - - -	140
	<i>D.—Mixed Government</i> - - -	146

XIV THE ORGANIZATION OF SOCIETY—*contd.*

<i>E.—Separation of Powers</i>	-	-	-	147
<i>F.—The Legislature</i>	-	-	-	151
<i>G.—The Executive</i>	-	-	-	156
Finance	-	-	-	158
Justice	-	-	-	161
Police	-	-	-	163
Foreign Affairs	-	-	-	163
<i>H.—Federalism</i>	-	-	-	164
<i>I.—Suggestions for French Reform</i>	-	-	-	165

PART III

COMMENTS

COMMENTS	-	-	-	-	175
REASON AND THE PASSIONS	-	-	-	-	175
“THE KINGDOM OF GOD IS WITHIN YOU”	-	-	-	-	177
THE GOLDEN RULE	-	-	-	-	179
VIRTUE	-	-	-	-	180
THE IDENTITY OF THE NATURAL AND THE GOOD	-	-	-	-	184
THE RELATION OF ETHICS TO POLITICS	-	-	-	-	185
THE HELPLESSNESS OF REASON	-	-	-	-	188
NATURAL LAW	-	-	-	-	190
NOTE ON THE ORIGIN AND DEVELOPMENT OF SOCIETY	-	-	-	-	192
HISTORY	-	-	-	-	193
COMMUNISM AND PROPERTY	-	-	-	-	198
EQUALITY	-	-	-	-	200
LUXURY	-	-	-	-	203
LAW	-	-	-	-	204
LIBERTY	-	-	-	-	211
INTERNATIONAL RELATIONS	-	-	-	-	213
SEPARATION OF POWERS	-	-	-	-	218
THE LEGISLATURE	-	-	-	-	222

APPENDIX

BIBLIOGRAPHY—NOTES

WRITINGS CONCERNING MABLY	-	-	-	231
MABLY'S PUBLISHED WORKS AND ABBREVIATIONS USED	-	-	-	233
MABLY AND THE REVOLUTION	-	-	-	235
NOTES TO PART I	-	-	-	237
NOTES TO PART II	-	-	-	241
INDEX	-	-	-	309

AUTHOR'S NOTE

In this thesis, as it stood originally, an attempt had been made to bring Mably into relationship with his epoch by sketching the development of the political, social, economic, religious and military structure of France from the beginning of the seventeenth century up to his death, and by a brief survey of the political thought of his day. These chapters have been omitted from the present volume in the interests of space, as it is believed that those seeking acquaintanceship with Mably will already be informed about his times and contemporaries. It has been deemed advisable to retain the translated extracts from his writings for the benefit of those to whom access to the originals is difficult. Such reference is important in view of some current ideas about Mably which have been challenged in this thesis.

I have to acknowledge my indebtedness to Professor Harold J. Laski for general guidance in the collecting and arranging of my material, to Mr. B. W. Kissan for performing the arduous task of correcting proofs, to the officials of the British Museum, of the Bibliothèque Nationale and of the Archives Nationales, Paris, for their great courtesy and help in providing exceptional facilities for research; and finally to the patient, faithful, strenuous and constant assistance of my wife. The magnitude of her task may be realized when it is mentioned

that, amongst other things, it involved the reading aloud of all the works written by and referring to Mably, many in manuscript form, as well as of countless books, reports and documents relating to his own and to the Revolutionary period.

E. A. W.

INTRODUCTION

Mr. Whitfield's careful and valuable book deals with a thinker who, however considerable in his day, is now not even a name to Englishmen; and in his own country I doubt whether Mably is now read by more than a handful of professional students. Yet he is a figure of real importance for two reasons. He represents certain aspects of the eighteenth century in France with a clarity to which no other person can pretend. He shows the result of that union of high ethical idealism with *a priori* deduction better than any of the other *philosophes* of the century. His books, moreover, explain in a remarkable way the intolerable burden of thought cast upon a sensitive mind by the spectacle of the *ancien régime*. His inexhaustible bitterness and his weary despair help us to understand the catastrophe of 1789 with a completeness which is wanting where he is unknown.

It is, moreover, worth while to remember that both his diagnosis of, and remedy for, the disease he encountered pose a problem we have not yet been able to solve. The whole burden of Mably's thinking is the insistence that, since men think differently who live differently, a state built upon

serious inequality can never have that unity of interest upon which a well-ordered commonwealth depends. His analysis of the moral effects upon a population of continuous poverty is as powerful as any indictment the century was to know. His realisation that cataclysmic revolution would destroy without a parallel creativeness was borne out by every detail of the years after 1789. His grasp of the social effects of hereditary wealth has been interestingly emphasized in our own day by researches like those of Dr. Dalton and Mr. Wedgewood. Like Mably himself, we may be sceptical of the possibility of the rigorous communism he desired ; but like him, also, we cannot deny that the principles he laid down are the expression of a fundamental experience to which an adequate response is urgent. We cannot easily recapture the enthusiasm with which Mably's books were received. Behind his Lycurgus, we continually see a dry little abbé lecturing interminably in the scolding manner of Carlyle ; and there is an air of stucco villadom about his new Sparta. Yet he was a very noble man, selfless and single-minded, who had a message the best of his contemporaries deemed of high import. We cannot afford to neglect such men.

Mr. Whitfield's book speaks for itself, and needs no commendation from me. But I may be permitted one remark, since I have seen it at every stage of its development. It is not only a solid contribution to its subject ; it is also an act of courage and devotion

before which I, at least, am humble. Mr. Whitfield is blind, and he has written this book not only in the service of learning, but also to bring encouragement to others who know that pain. It would be insolent in me to praise the spirit that this implies ; but I can at least record my pride that it has been written by one of my students.

HAROLD J. LASKI.

THE LONDON SCHOOL OF

ECONOMICS AND POLITICAL SCIENCE.

PART I
LIFE AND WORK

GABRIEL BONNOT DE MABLY

It must always be a problem which will excite the wonder and tax the ingenuity of the historian, why certain individuals who earned the high esteem of their contemporaries and perhaps even left their impress on their day have sunk into oblivion within a few decades of their death. Even among the unusually great number of illustrious Frenchmen of the eighteenth century, Mably held a place of prominence, not only in the eyes of his countrymen, but also abroad. As a historian he was long highly respected, and his *History of France* became the standard work, if not a classic. His books on international law stamped him as a jurisconsult of eminence, and he was ranked by many as the superior of Grotius and Pufendorf. But it was as a social and political writer that, during the latter part of his life, he most struck the popular imagination. More than anybody else, he saw clearly the almost inevitable course that political and social events were to take during the second half of the century; more than anybody else, he was able to seize the nebulous thoughts and feelings of the educated classes and to formulate in words what others were unable to express in concrete form; alone among his fellow reformers he was ready with a whole system of practical suggestions when the time for action came. During the years immediately preceding the Revolution, the journals were lavish in their praise of him as a political writer, and even Grimm, usually grudging in his approbation, then gave it unstintingly. During the Revolution he was constantly cited as an authority. And yet, what is known

of Mably himself is of the meagrest. Few knew the man they respected, and it is with the greatest difficulty that isolated facts can be gathered from his contemporaries. References to his personality are rare in correspondence and other writings, whilst his own letters, with few exceptions, seem no longer to exist, or at any rate are not available. The chief sources of information—the Appreciations by Levesque and Brizard (see below)—must be treated with caution, as they were written with a bias.

I

EARLY LIFE AND WORK

Gabriel Bonnot de Mably was born at Grenoble on March 14th, 1709, of well-to-do parents. His father, Gabriel Bonnot, who died in 1726, was a member of the new nobility, and held various official positions, among them the secretaryship of the Grenoble Parliament. He married Catherine de la Coste. Of their seven children it is interesting to note two only, apart from Gabriel. An elder brother, Jean Bonnot, was Provost-Marshal of the Marshalsea of Lyons, and it was in his house that Rousseau was for a short time tutor in 1740. Etienne Condillac the philosopher was a younger brother with whom he seems to have kept in contact throughout his life.

Mably was sent to Lyons to study the humanities with the Jesuits. He was destined for the Church, and, at the invitation of his kinsman, Cardinal de Tencin, he entered the Seminary of St. Sulpice at Paris. Although a brilliant career in the Church was assured to him, he refused, in spite of the entreaties of his family, to advance further than the subdeaconry. The Abbé Barthélémi relates that after he had completed his studies Mably returned to Grenoble, where he lived in the house of M L'Amourouz in order to have "in secret an outlet for his pen for his own satisfaction".

The result was, if Barthélémi is to be believed, a tract on history embodying political reflections. No such tract appears ever to have been published ; it is possible that it formed the basis of a later work.

We next hear of Mably in Paris as visiting the salon of Madame de Tencin, which was frequented by political writers and men of letters, among them Montesquieu. It was here that he attracted attention by his grasp of politics. In 1740 he published his first work on history and politics, *Parallèle des Romains et des Français par rapport au gouvernement*, which found an immediate success. This work was evidently written before Mably had had an intimate experience of the misery of large sections of the population. He complaisantly adopted the mercantilist and monarchic traditions which he later combated so ardently. There are certain points of resemblance between ideas expressed in this work and those of Montesquieu, whom Mably admired, and also between his theories on luxury and commerce and those of the Physiocrats who wrote later. Some years afterwards, when experience with actualities had compelled a complete revision of his tenets, he repudiated the "Parallèle" with its doctrine of the social contract, its advocacy of despotism tempered only by custom, its approval of the division of the state into rich and poor, its belief in the need for a state to enlarge its frontiers, its approval of trade and luxury, etc., and would gladly have destroyed the whole edition.¹ In 1741 appeared his *Lettres a Madame la Marquise de P. sur l'Opéra*, written several years previously—a plea for simplicity in art. Although these early publications do not express the Mably who was later to grip men's imagination, they are nevertheless of interest, for they already display his character and express certain fundamental psychological and ethical theories which he never relinquished.

It was about this time that Tencin, then Archbishop, was appointed to the ministry. Hitherto con-

cerned only with church affairs, he found his sudden immersion in politics disconcerting. His sister, Madame de Tencin, advised him to appoint Mably his secretary as he had shown exceptional insight into affairs of state. Tencin took her advice, and Mably had a career opened to him that promised to be even more brilliant than the one he had repudiated in the church. His deep-rooted passion for independence was, however, equally inimical to his new prospects. Short as was this chapter in his life, it brought him into intimate touch with politics and diplomacy, and the experience he gained must have been as valuable to him in his subsequent work as it was almost unique among that of the political writers of his day.

Finding great embarrassment in having to make verbal reports at the King's council, Tencin asked for and received permission to hand them in in writing. It was Mably who drew them up. Communications, dispatches and instructions to ambassadors often passed through his hands. In 1743 he is said to have negotiated secretly in Paris with the minister of the King of Prussia, and to have drawn up the treaty which Voltaire presented to that monarch. The latter conceived a great esteem for him.² He also drew up the memoirs which served as the basis for the negotiations at the Congress of Breda which began in April, 1746.

It was during this period that Mably made a digest of European treaties since the Peace of Westphalia, 1648, in order to assist the Archbishop in his work. This formed the foundation of his later writings on international law. Its compilation opened his eyes to the chaotic and lamentable condition of international affairs and enabled him to speak with authority on such matters.

This epoch in Mably's life closed suddenly in 1748 as the result of a quarrel with his patron. The Archbishop wished to annul a Protestant marriage; Mably opposed him on the grounds that it was his duty to act

as a politician and not as a priest. As his patron persisted, Mably threw up his office and refused thenceforward to tie himself to anybody. Thus also perished his prospects of a political and diplomatic career. The episode is characteristic of his inflexible and incorruptible character which was ready to sacrifice everything to his principles. His life was thenceforward to be one of retirement, associating with a few chosen friends to the almost entire exclusion of the rest of the world.

Mably immersed himself in study in order to enable him to find a way which would lead mankind, and particularly his own countrymen, to happiness. History, to be studied by a careful examination of old documents, was to furnish him with a chain of causes and effects to explain the present position, and with the material from which fundamental principles might be deduced. The philosophers of antiquity were to provide him with the formulæ which, if wisely applied, would lead his country from misery and vice to happiness and virtue. He was credited with knowing nearly by heart the works of Plato, Thucydides, Xenophon and Plutarch, and the philosophical writings of Cicero. However exaggerated this claim may be, we have his own assertion that he read these authors every day. But he did not restrict himself to the ancients, and read widely not only French publicists but also the works of prominent Englishmen—Milton, Brown, Hobbes, Locke, Hume, Gibbon, Robertson, etc. It was Locke who made the profoundest impression on him and left a strong influence on his psychological, political and social thought.

II

THE SECOND PERIOD

Mably's breach with Tencin marks a complete revolution in his social and political views. His intimate acquaintance with diplomacy, with life at court, with

the character and the habits of the King, with which the previous few years had furnished him, had its effect on a disposition which was naturally austere and upright. To what extent his intercourse with Rousseau shaped his views it is difficult to estimate. The two men first met at the house of Mably's brother in Lyons in 1741. It must be remembered that Mably had already attained a position for himself as a political philosopher, whereas Rousseau's first volume on social problems, the *Discourse on the Arts and Sciences*, did not appear until 1750. It is probable that their influence was reciprocal, although their theories remained divergent on many essential points.

In 1748 Mably published his *Droit publique de l'Europe*, a compilation of all European international treaties since the Peace of Westphalia, together with critical notes setting forth his views on international policy. Permission for publication was refused him in France, and it had to be effected abroad. Only the intervention of d'Argenson prevented the confiscation of those copies which reached France. The work had a great success and the first edition was soon exhausted. It was looked upon as "the politicians' hand-book". It went through many editions during his life, being from time to time augmented and revised, was translated into several languages, and was used as a text-book at the English universities.

In 1749 appeared the *Observations sur les Grecs*, printed at Geneva. It seems to have been inspired by Montesquieu's *Considérations sur les causes de la Grandeur des Romains et de leur decadence*, to which he subsequently wrote notes. This work shows that Mably had not yet fully torn himself away from his earlier attitude, so that he felt compelled to revise the book and republish it (at Geneva) in 1766 under the title *Observations sur l'histoire de la Grèce*. The work passed through several editions in France and in its English

translation in England. There was also an Italian translation.

In 1751 appeared the *Observations sur les Romains* at Geneva in French, and at London in English. Even more than his volume on the Greeks, this shows strong similarities to Montesquieu's work on Rome, although it can in no sense be called a plagiarism. It speaks well for Mably that his book was able to gain recognition in spite of the overshadowing prestige of Montesquieu. In these historical works Mably sought to trace the causes of success and decline to the virtue and the vice respectively of the people.

His *Principes des négociations*, which was to serve as an introduction to the *Droit publique* was printed at the Hague in 1757, a second edition appearing in 1767. It was a courageous attack on the foreign policies of the European powers, and a plea for more rational and honest methods, not only for the sake of justice and humanity, but because they are actually profitable.

What is, in a sense, Mably's most interesting book dates from the year 1758. The *Droits et devoirs du Citoyen* is an entire exposition of his views which he thenceforward retained in all essential points. The work, which was not published until after his death, and which Mably did not revise in spite of subsequent historical occurrences which should have induced him to do so, is interesting because it not only predicted the Revolution, as d'Argenson had done about the same time, but also the circumstances which were to compel the king to summon the States General, the formation of the latter into a constituent and legislative assembly, the endeavour of some of its members to turn it to their personal advantage, and its undue haste in action which was to cause its ruin.³ So extraordinary did the book appear when it was at last published, that its authenticity was called into question and Mably's executors were accused of falsification, a charge which internal evidence seems to refute.

In 1763 appeared the *Entretiens de Phocion* at Amsterdam. It was acclaimed as one of the best publications of the century, and the Berne Society spontaneously crowned it as being of the greatest value to all mankind. It was the first time that this honour had been bestowed on a work the subject of which had not been set as a theme for competition by the Society.⁴ The *Entretiens*, a work dealing with the relation between ethics and politics purports to be the translation of a dialogue in Greek, discovered by Mably in the monastery of Mont Cassin. According to Ruhlière the book was the outcome of a conversation with Chastellux, who held opposing views and whose contribution was the *Traité de la félicité publique*.

Rousseau's assertion that the *Entretiens de Phocion* was "a barefaced and shameless compilation" from his works (see *Confessions*, Book XII) cannot be substantiated, and stands in curious contrast to his praise of it a short time earlier.⁵ There are, it is true, certain contentions of the *Entretiens* which bear some resemblance to views expressed in Rousseau's Discourses, but they are opinions which were held in common by many of their contemporaries as well as by Plato. Rousseau's violent condemnation of Mably was the outcome of his diseased imagination, as was also his belief that the Abbé only advised him to compile his *Paix perpétuelle* from St Pierre's writings—a suggestion made through the medium of Madame Dupin—because he thought that it would be badly done. Mably follows Hotman in seeking to establish the right of the French to liberty by going back to the advent of the Franks and tracing the course of events which led the people from original freedom to the despotism from which they suffered in his day. The first part of the *Observations sur l'histoire de France* was published at Geneva in 1765. Although Mably did not dare to take his history beyond Philippe de Valois, it nevertheless created a stir at court, and aroused the animosity of

the Paris Parlement. Thanks to the solicitations of Madame de Brionne, Madame d'Enville, and above all to the patronage of the Duc de Choiseul, the blow aimed at Mably by the Parlement was warded off through the medium of the activity of the Abbé Quenel, the tutor of the Duc de Penthhièvre. The second part of this work was not published until after his death. Grimm found the first part to contain few new views or profound ideas, but thought that it was well developed and in parts well reasoned. He wrote "M l'abbé de Mably is a somewhat dull writer; he is a good and precise reasoner . . . and has moreover good principles and does not lack boldness" (see *Correspondence*, April, 1765). The work was welcomed by those who found in it the legal justification for their remonstrance against the tyranny of court and parliament.

As its title suggests, the *Doutes proposés aux économistes, sur l'Ordre naturel et essentiel des sociétés*, which appeared in 1768, was levelled at the physiocratic doctrine of legal despotism, particularly as expressed by Mercier de la Rivière. It is odd that while Mably shattered the figment of the Chinese despotism which his opponents had adopted as their model, he himself clung to the Spartan legend which was equally baseless, and the hollowness of which a man of his shrewd insight must have perceived. This worship of Sparta was seized on by Vauvilliers, reader and professor royal, in his defence of the *économistes* entitled, "Examen historique et politique du gouvernement de Sparte; ou lettre a un ami sur la législation de Lycurgue, en reponse aux doutes proposés par M. l'abbé de Mably contre l'ordre naturel et essentiel des sociétés politiques," 1769. Incontrovertible in its exposure of Mably's fiction, the volume fails thereby to establish the physiocratic position.

Although Mably touched on the evils of private property and on the desirability of communism in his *Droits et devoirs du citoyen*, written in 1758, it was not

until ten years later that he made a public expression of the doctrine in the *Doutes*. There is, however, no justification for deeming him a communist as he has often been called, for he never thought of communism as other than a state which existed among primitive man, but which cannot be regained and should not be aspired to.

Bachaumont in the *Memoirs secrets* has an entry dated March 1st, 1768, which suggests that Mably's attack on Mercier was inspired by the court, but that he had "abused" his privilege by giving way to "patriotic" sentiments. Bachaumont wrote: "Everybody knows that the government stopped the issue of this book; that, in order the better to silence the abbé de Mably, they had endeavoured to seduce him by favours; that in consequence they had got His Majesty himself to ask the Bishop of Orleans for a living for this abbé which was in his gift. . . ."

In 1770 Mably undertook a journey to Poland as the outcome of Count Wielhorski's visit to Paris, whither he had been sent by the Polish Confédérés to consult Rousseau and Mably on the subject of a new constitution. In conformity with his view that a constitution must have a definite relation to the traditions, the customs and the temper of the people, he set out for Poland in order to make preliminary investigations on the spot. He stayed there for more than a year and wrote *Du gouvernement et des loix de la Pologne*, which was printed and privately distributed among his friends; it was not published until 1781.*

The work which contains the most complete exposition of Mably's views, and which had greatest significance in relation to the Revolution, appeared in 1776 under the title of *De la législation; ou principes des loix* (Amsterdam). The scene of this book, which is in dialogue form, is according to Grimm laid in the grounds of the Duchesse d'Enville's house at la Roche-Guyon. It is a discussion on ethics, politics, and

legislation. In this work Mably speaks most longingly of communism, although even here he disparages any attempt at establishing it. It is, then, strange that people were at first moved to deride him on account of his communistic leanings. What soon became apparent to them, however, were his forceful arguments against the tyranny of court and parliament and the plausible steps which he traced for their overthrow. It was no longer the visionary that they saw but the practical politician. It was he who, earlier than anyone else, insisted on the concentration of all demands on the summoning of the States General, a demand which, during the years immediately preceding the Revolution, became the order of the day. In a letter dated February 3rd, 1777, from "Horocow" in Poland, which he revisited towards the end of 1776, Mably commented to Madame Dupin on the storm which his book had raised, as follows: "I hear that a great many people complain of me: I expected as much; to tell the truth about things of this base world is to make of them a terrible satire. But people need not be so angry, for it is quite certain that my work will change nothing in our legislation." This pessimism is typical.

On his way through Germany he was cordially received at the various courts. His stay in Poland, however, seems to have been a bitter disappointment, for he found that the Polish Confédérés were not really concerned with the establishment of their country on a firm foundation, but with their individual interests.

In 1778 appeared *De l'étude de l'histoire* in which he sought to derive principles of government from the teachings of history. This had been written several years before at the request of his brother Condillac, among whose works it first appeared. It was for the instruction of the young prince who had become Duke of Parma and of Plaisance in 1765. Although it is perhaps a little less daring than his treatise on "Legisla-

tion", it is nevertheless outspoken. To-day it is perhaps the most readable of Mably's writings.⁸

The next two works were to bring opposition from fresh quarters. In 1783 Mably published his *De la manière d'écrire l'histoire*. In it he launched such a violent attack on contemporary historians, particularly against Voltaire (who had died five years previously) and Robertson, as to arouse a storm of protest from the philosophers and followers of Voltaire.⁹ It was unfortunate for Mably that he issued this book at that moment, for Voltaire was never more popular.

The *Principes de Morale*, published in 1784 (probably written a decade earlier in opposition to Holbach), aroused even more violent protests, this time from the church. The public censor was suspended for negligence in not seeing that the objectionable passages were revised before publication, and was only reinstated on the intervention of the Archbishop of Paris. The Bachaumont *Memoirs secrets* contains an entry dated March 27th, asserting that Mably was frightened by the disturbance he had created and promised to submit to all the demands of the theological faculty of the Sorbonne for retractation and repentance. The censure of the Sorbonne, which is feeble in logic, was warmly approved by theological bodies all over France; nevertheless, the very fact that Mably was being persecuted sufficed to make the book popular.

The mention of a retractation in Bachaumont's memoirs is interesting in view of the claim made later by his friend Mounier and by Ruhlhière that Mably never retracted anything that he wrote. He was seventy-five at the time, and it is quite possible that he may have lost some of his power of resistance, as well as have been frightened into making his peace with the church before death would make that step impossible. It is a phenomenon not uncommon among revolutionaries towards the end of their days.

The last work published during Mably's lifetime,

Observations sur les Etats Unis d'Amérique, appeared in 1784, and is a criticism of the state constitutions of the former English colonies.¹⁰ It appears to have been written as the consequence of a misunderstanding. It seems that John Adams, who was then American Ambassador, met Mably at dinner at M de Chalut's towards the end of 1782. It was mentioned that Mably was about to write a history of the American Revolution. As Adams thought that those events were still too recent, he advised Mably to restrict the scope of his undertaking. This, a mere civility, was taken by Mably and his friends to be a formal invitation to express his views on the American constitutions. The request was emphatically denied later by Adams, but the abbés Chalut and Arnoux, mutual friends of Adams and Mably, were prepared to swear to the contrary (see Brizard's *Eloge*, note 3).¹¹

As a consequence of the conversation at the dinner party above mentioned, the rumour became current that the United States had requested Mably to legislate for them. The assertion was, of course, preposterous. Equally without foundation appears to have been the later rumour which asserted that the *Observations* were so ill received in America that Mably was burned in effigy and his book dragged in the mud.¹²

III

POSTHUMOUS WORKS

Mably was about to publish two short works entitled *Du beau* and *Des talens* when he died on April 23rd, 1785, and their publication was postponed.¹³ He was buried at the church of Saint Roch. Mounier relates that the abbé Chalut asked permission to place a monument inside the church, but this was refused. Thereupon Mounier called on the curate of the church to represent to him the injustice of his conduct. The

reply he received was, "My superiors will consent to the monument if the testamentary executors of the abbé de Mably agree to add at the foot of the epitaph the condemnation of the Sorbonne". He attributed the opposition of the clergy to Mably's demand in *De la législation* for them to become state functionaries.

An anonymous gift of 1,200 livres was presented to the Académie des belles lettres in 1785, to be converted into a gold medal for the best appreciation of the life and works of Mably. From Grimm we learn that the donor was the Duchesse d'Enville. The competition was arranged for 1786, but, as no satisfactory entries were forthcoming, the prize was again offered for the next year. It was then divided between the abbés Levesque and Brizard.

The second part of the *Observations sur l'histoire de France* which was confided to Mounier for publication at the first suitable moment after Mably's death, and which the latter called his testament, was printed in 1788. Mounier writes of it (see *Observations sur l'état passé, présent et futur de la nation ; et de l'influence du publicist Mably sur la Révolution*) : "After the first days of 1788 I did not hesitate to run the risks of publication of the second part of the *Observations sur l'histoire de France*". Two thousand copies were introduced at Versailles during the second sitting of the notables, which was as useless as the first ; this work, secretly announced some months previously, excited both curiosity and patriotism ; some hundreds of copies were rapidly snapped up. Courtiers and princes raised their voices and spread the alarm throughout the palace. 'It is an incendiary book,' they cried on all sides. The keeper of the seals, scared by the tacit consent he had given to it, had 1,600 copies thrown into the dungeons of the Bastille. He did not foresee that such proscription would only irritate. Suddenly pirated copies inundated the capital and the provinces ; never had a work caused a greater explosion." Mounier

thought that it was important to offer the people a work which would show them that its old assemblies had only served to rivet their chains and embolden their oppressors. The book, written in 1770, concludes with an exhortation to the Paris Parlement to sink its private quarrels with the court, and to concentrate all its energies on the summoning of the States General. The work in consequence came at an opportune moment. Even Grimm was impressed by it, and acknowledged that it contained "pages worthy of Tacitus".

The next year, 1789, Mounier resolved to publish the *Droits et devoirs du citoyen*, which had been completed in 1758. He states his reason for printing it (*op. cit.*): "It was not sufficient to enlighten the nation on its old and sad situation, it was necessary to show it the way out, and to preserve it for ever from similar calamities." The work, in fact, contains the rough draft of a constitution for France, together with recommendations as to how it might gradually be adopted in the event of a revolution. Written thirty-one years before the event, it shows amazing insight.

In 1789 appeared the first edition of Mably's *Complete Works* in twelve volumes. It does not contain his shorter writings, which were completed during the last few years of his life. In 1790 there appeared a thirteenth volume of the above, containing a work entitled *Le destin de la France*. Even a superficial glance at the book must reveal that it was not written by Mably, for, although in many parts the style is his, yet the views therein expressed as well as the passion of many of the utterances, are quite alien to him. Grimm noticed the deception¹⁴ and the Abbé Arnoux protested against the inclusion of the volume, on June 10th, 1792.

The remaining works of Mably were published in 1795 as the 13th, 14th and 15th volumes of his *Complete Works*. The new edition was presented to the National Convention by the executors, Mounier, Chalut and

Arnoux, with the request that Mably's bust be placed in the Pantheon.

These smaller writings are in part on topics suggested by current events, and have the appearance of being accounts of actual discussions. Others are essays on particular ethical, political, psychological and educational subjects and may be taken as supplements to his more important works.

IV

SOURCES OF INSPIRATION

The sources of Mably's doctrines are, for the most part, easy to ascertain, for he did not tire of advising his readers to refer to his favourite authors for themselves. He was, however, no blind disciple of any of them, for he freely criticized their faults as he saw them. A glance at the long list of authors given by Mably to the young man about to take up a diplomatic career (see pp. 114-116) will show whence he derived the bulk of his theories.

Overshadowing all these influences, and giving them a distinctive colouring, were on the one hand the strain of austerity in Mably's nature which was strongly accentuated in his revulsion against the luxury, frivolity and insincerity with which he was surrounded, and on the other his theological upbringing. His religious bias was all-pervading, and even when he protested most vehemently against the abuses of the church, he remembered that he was a Roman Catholic. Sharp as he would make the cleavage between things temporal and spiritual, religion remained for him the foundation on which alone the state could be securely erected. These two factors must be borne in mind when adjudging the influence of Mably's predecessors and contemporaries on his thought. The teachings of others had to pass through their rigid mesh, and were clipped and reshaped in the process.

Generally speaking, Mably derived his inspiration from Greek and English sources. The former left their impress on the idealistic side of his work, whilst the latter assisted him in finding practical solutions to the social and political difficulties of his day. Outstanding among the Greeks was Plato, whose teachings in the *Republic* and the *Laws* he adopted with some modifications. The points of similarity are both numerous and striking, even to the dialogue form in which he presented his views. It is true that this device was not uncommon in eighteenth-century philosophical works¹⁵; but it is probable that Mably's love for his Greek master went far to induce him to adopt it. He, moreover, used Plato's models, Sparta and ancient Egypt, as those to be kept in mind by reformers. The points of disagreement between him and his master were forced on him partly by his own pessimistic nature which made him mistrust the powers of any man to withstand temptation, and partly by the life around him. Thus, he sided with Aristotle in demanding annual magistratures instead of the life tenure advocated by Plato; he rejected the Platonic equality of the sexes on the grounds of the inferiority and baseness of women, doubtless generalizing from the examples of court life. The humanitarianism and rationalism of his day, which strongly affected his outlook, created a bond between him and the Stoics, whose impersonality he nevertheless criticized. It was Cicero who conquered his admiration and from whom he took his conception of natural law and of the divinity of reason.

Of English publicists, Locke stands pre-eminent as the origin of Mably's psychological and political thought. In disagreement with his deism on the grounds of its inadequacy in a world of intellectually inferior beings, he adopted almost in its entirety the contentions of the Englishman, whose works he highly recommended to his students. In the realm of psychology, the differences between Mably and Locke are generally

due to Mably's borrowings from other sources, and particularly to his acceptance of Locke's position in his *Essay concerning the Human Understanding*. Mably cited the *De Cive* of Hobbes, but it is doubtful whether he was consciously influenced by his views on human passions. It is more probable that he followed the host of writers who developed his contentions. Mably's theory of self-interest is to be found fully stated by Mandeville. He was familiar with the *Fable of the Bees*, but it does not follow that this book was the source of Mably's theory, rather than the writings of one of the numerous Frenchmen, among them La Rochefoucauld and Pascal, who held similar views. The idea of self-interest, as being the prime human motive force and at the same time necessary to society, was a commonplace of his day. Whether Mably ever read any of Harrington's publications seems unlikely, for there¹⁶ is no allusion to him in any of his works. There are certain parallels between the two men which suggest that Harrington reached him through the medium of one of his disciples. Although there is no definite formation of the balance of property theory, it is certainly implied in Mably's association of power with wealth. More definite points of contact are the desire to break up large fortunes by means of inheritance laws and by limiting the extent of landed property which may be held by any individual; representative government by secondary election (although they differed on the subject of the ballot); the distrust of democracy and the reservation of the franchise to owners of land; military service as a qualification for the legislature; short terms of office, and the prohibition of re-election until after an interval; the appeal to history and not to a social pact for the establishment of rights; finally, that history and a knowledge of the experiences of other nations are of the highest importance to politicians.

In his demands for a drastic reform of the legal

system, Mably was at one with the tendency of his day. The suggestions contained in his *De la législation* show the marked influence of Beccaria, whose work he mentioned. Here at least he was in accord with Voltaire, whom he so heartily detested.

The mutual influence of Rousseau and Mably on one another has already been touched upon in Section II of this Part. Although the latter has been called a disciple of the former, this contention is difficult to uphold. In spite of points of similarity, common also to others of their epoch, the two writers differ on fundamental issues. There is no suggestion of the doctrine of the general will in Mably, who also rejected Rousseau's view of democracy. He, moreover, upheld the necessity of representative government and rejected the idea of a social contract, both in opposition to Rousseau. It is also worthy of note that the germ of Mably's later thought is to be found in his *Droit public*, which appeared a year before Rousseau's first *Discourse*. It would, therefore, seem that, in spite of his great admiration for his contemporary and of a certain similarity of outlook, Mably cannot be considered a disciple of Rousseau.

In his view of the beneficence of nature, a doctrine dictated by his religious bent, and in his attitude towards natural law, he showed some resemblance to the physiocratic standpoint. But Mably was primarily an ethicist, and he found himself at variance with them on the subject of their doctrine of the economic foundation of society, just as he sought to give an ethical instead of an economic justification for the single tax of the physiocratic forerunners—Boisguillebert and Vauban. In agreement with them as to the function of *raison* to ascertain the laws of nature and so to construct a perfect social system, Mably maintained that the faculty of perceiving those laws was possessed by very few.

In his attitude towards politics, Mably was in harmony with the spirit of the age. The great strides

which had been made in the natural sciences led men to believe that human relations were subject to simple, definite and measurable laws, which, if discovered, would permit of the construction of a perfect social and political system working for harmony and happiness. Pure, unfettered reason was to perceive these laws of nature. Mably indeed saw the tremendous difficulty of finding human reason sufficiently pure and unfettered for the task, and, although he recognized the greater complexity of the social sciences, he nevertheless very much underestimated the difficulty of the problem. Mably was thus a believer in a physics of politics, although more sober in his views as to the probability of its elaboration than most of his contemporaries.

V

HIS CHARACTER AND TEMPERAMENT

Mably was in continuous opposition to his epoch. It is probable that a nature such as his could never live in harmony with any society. He found life too serious a problem to be able to tolerate the wit, the grace and the polish of those around him. Lacking a sense of humour the satires of his fellow reformers disgusted him. With an inborn taste for simplicity, the luxury and the pomp of the nobility and bourgeoisie drove him into an austerity which he would otherwise have condemned. His naturally upright character made the intrigues and corruption of society odious, and his unconquerable passion for personal independence made him shun anything which might place him under an obligation, however slight, to any man. Even in that age of unfettered criticism and invective, his enemies generally acknowledged his integrity and his erudition. Accusations of bad faith, such as those levelled against him by Gudin de la Brenellerie in his defence of Voltaire against Mably's attack in the *Manière d'écrire l'histoire*

—written when Mably was soured by disappointment—are rare. Epithets such as wise, virtuous and honest were frequently applied to him, and his conscientiousness was such as to compel him to undertake the tedious and difficult journey to Poland in order the better to be able to give his advice on that country's affairs.

Excessively egotistical, his incorruptibility and obstinate adherence to principle stood in the way of his ever attaining to the political eminence to which he must have aspired. Particularly after the publication of the *Entretiens de Phocion* all the salons and societies stood open to him, yet he preferred to keep to himself.¹⁷ His independence was so marked that it amounted to a prudish obsession which often drove him to absurd extremes. He refused to visit a minister while in office lest it might be thought that he was seeking a favour. When it was rumoured that the Dauphin intended to appoint Mably as tutor to his two sons—one of whom subsequently became Louis XVI—he spared no pains in making it known that he would teach that kings are made for the people and not the people for kings. Needless to say, he did not receive the appointment, much as he must have longed to have the moulding of a future monarch's character. It is said of him that he took as much trouble to avoid patronage as others did to secure it, and he thereby renounced all opportunities of steering his country towards the ideal which he had so much at heart.

He was obstinate and irritable and could brook no contradiction; but his kindheartedness and generosity, coupled with his will to live up to the models he sketched for others, which found expression in a strenuous endeavour to control his temper, must have made an otherwise intolerable companionship valuable. His critics resented his attitude of superiority which inclined him to treat others as "school children".¹⁸ It is conspicuous in most of his writings. His solicitude for the comfort of others, however, was marked, and

he went so far as to deny himself his Sedan chair and other amenities in his old age, in order to be able to have more to give to others, particularly to his old servant. His fortune was never more than mediocre, and the sacrifice must have meant much to him.¹⁹ A friend said of him, "I do not know whether he ever tried to do harm, but I am sure that he has contributed to the fortune and to the reputation of a great number of persons" (see Levesque, *Éloge*).

Mably's egotistical obstinacy had the most unfortunate consequences. It not only drove him into absurdities, but actually stood in the way of a scientific progress which might have been considerable. It was an age of a priori reasoning, but he had, apart from this unfortunate trait of character, the mental make-up which should have forced him out of the conventional path. His attachment to certain preconceived ideas constrained his immense store of knowledge and his untiring and conscientious labours into their service. History was for him not, as he supposed, a school in which to learn principles, but an instrument which would strengthen those which he already professed. He lived in an age when the cult of antiquity was fashionable.²⁰ The respect in which he differed from most of his contemporaries was that he took seriously what others treated rather as an artistic convention. It led him into idealizing Sparta and into clinging steadfastly to the fiction in the face of opposing evidence. The attitude was manifested in his absurd defence of the Swedish Constitution of 1718-1772. In *De l'étude de l'histoire* he spoke of it as a masterpiece of political wisdom and prophesied its comparative permanence. When it was overthrown in 1772 by the coup d'état of Gustav III, he met the derision of his acquaintances with the words, "The king of Sweden might perhaps change his country, but not my book".

It was thus that Mably earned for himself the reputation of a visionary which, though it at first made

him appear less dangerous to his opponents, also discounted his political influence for a time. This obstinate clinging to his ideals of antiquity may seem strange in the face of his willingness to admit some mistakes of judgment.²¹ The explanation may be sought in the absolute necessity he felt for a visible goal; a goal which, though far off, is nevertheless attainable. To him then, the Golden Age could not be sought in a pre-social past, purely mythical and ideal, but in earthly actuality. For, to be valuable, the goal must be shown to be practicable; and the best proof of its practicability was to show that it had actually existed. Mably had not the strength to throw over his fiction and to discover another lodestar, less tangible perhaps but more real. He did not perceive that, in fact, the Spartan myth was not even germane to his doctrine and that he could very well have dispensed with it entirely.

What distinguishes Mably from reformers of any period is his almost total lack of hope. He was a misanthropical philanthropist, despising men but ready to sacrifice all to bring them happiness. An air of gloom, pessimism and moroseness pervades his works.²² This atmosphere of depression, it is true, makes him heavy reading, but it was precisely Mably's pessimism which made him valuable as a guide. It prevented him from being a visionary. It compelled him to see men as they are, and to make that the starting point for his reforms. His suggestions were, in consequence, practical and feasible, and, if he erred, it was rather in an underestimation of the rate at which progress could be made.

VI

HIS INFLUENCE

Mably was thus one of the most significant figures of the last years of the "ancien régime". The embodiment of the revolutionary spirit of his epoch, the

crystallized expression of the nebulous thoughts of large sections of his fellow countrymen, he was the only one ready with a full programme of the practical steps to be taken, when at last the crash came. It is possible that the proceedings of the States General and of the National Assemblies might have remained what they were if Mably had never lived, but it is certain that many of their influential members drew strength and comfort from him.

The question how far, if at all, Mably influenced the course of the French Revolution is as full of interest as it is of insuperable difficulties. It is interesting because it challenges the position held in this respect by his more illustrious contemporaries, Montesquieu and Rousseau. An investigation of the events of this dramatic convulsion shows that, however much the principal actors may have appealed to these three philosophers for guidance, it was the pressing need of the moment which dictated the measures that were adopted. If these measures often bore a strong resemblance to those suggested by Mably, it would be rash to assume that it was his thought that had guided their adoption.²³

Mably had enjoyed an immense advantage over all other French political philosophers who immediately preceded the Revolution. He had actually had some years of practical experience in the government of his country, and in its relation to foreign states. Not only were these years full of political incidents, but they fell into that period of a man's life when the intellect is perhaps at the height of its power. Mably was then able to profit to the full by his experience, and the result is seen in the extreme caution he showed whenever it became necessary to apply his principles to concrete situations. As a practical statesman he had been given an insight into human nature, both of the individual and of the mass, denied to nearly all his contemporaries.

His advice in many things may have been rather in the nature of a prophecy, inasmuch as his experience enabled him to foresee the course to which those who came later were driven by the urgency of circumstances. Even though Mably had never existed the Parliaments might have merged all their complaints against the crown in the one supreme demand for the convocation of the States General in the few years preceding the Revolution; or again, the distinction might have been made between active and passive citizens in the Constitution of 1791 and in those following (with the exception of that of 1793); or there might have been enunciated the principle of the separation of powers in Mably's sense, viz., that in which the executive is subordinate to the legislature, and the principle of mature deliberation before enactment, with the prohibition (in the Constitution of 1793) of enactments by acclamation; or the demand for a dictator and so on might have been made. He had also foreseen the course of the Revolution—the calling of the States General; the overthrow of the existing despotism; the demand for a too rapid change; foreign wars; and the rise of a new despotism.

Mably's austere and independent spirit, which made him reject a brilliant career either in the Church or at Court, and prevented him from associating himself with any of the philosophical or political parties, gave him the advantage of being a detached spectator and critic of current affairs. It further brought him into curious harmony with that section of the middle classes which was most earnestly clamouring for reform: that part of the bourgeoisie which, whilst heavily burdened by taxation, found itself excluded from office and from access to the Court whose immorality it was in consequence the more ready to condemn: the third estate which, itself despised by the nobility, in turn insisted on its own superiority to the proletariat. On his practical side, Mably voiced the sentiments of the Third Estate,

and his writings are particularly significant as manifesting the revolutionary spirit of his epoch. Here again his detached position and practical experience made him able to state with precision what was only hazy and ill defined in the minds of men. This similarity of standpoint between Mably and the generality of the Third Estate makes it inevitable that solutions should present themselves to the latter when confronted by immediate problems, which would bear a striking resemblance to those already found by the former. Such resemblances would not be coincidences since they would derive from a similarity of causes. Mably, like the Revolution, was the product of the times.

As against this there is the testimony of the amazing demand for his books during the revolutionary period—four editions of his collected works between 1790 and 1797 besides a number of reprints and pirated copies. It is said that everyone who laid any claim to intellect read him, the King himself holding him in high esteem even during the Revolution. His name finds frequent mention in the debates of the Constituent Assembly, by such prominent persons as Sièyes, Barnave, Duport and Thouret, all of whom were members of the “Comité de Constitution”.²⁴ Thouret, who was its “rapporteur” on most important occasions, made a hasty summary of Mably’s doctrines whilst sharing a cell with Neufchateau in 1793, awaiting execution. In the introduction to this work, which was published in 1800 by his son, he advised the latter to make a careful study of the author. Robespierre consulted Mably before drawing up his Report, on behalf of the Committee of Public Safety, on the relations between religious and moral ideas and republican principles, and on national festivals. (May 7th, 1794—18th Floréal, year 2), and the report bears the unmistakable impress of the philosopher’s thought. Another Jacobin deputy, J. B. Royer, published *Principles of Mably on the necessity of religion and of a public cult*

(year 3), in order to prove that an atheistic nation could not exist. He paid him the following tribute—

“Mably must be singularly precious to all those who hold our revolution dear, not as she has been disfigured by monsters who, by dint of horrors wanted to make of her a Medusa as frightful as themselves, but such as she appeared at first, and will reappear, after she has been stripped of the hideous accessories which are entirely foreign to her. Mably not only prepared this revolution, as did all good writers, and more than any one of them ; he not only foresaw and announced it ; he has in a measure sketched its outline with precision, and mapped out the course and the method of its operation.” His were among the works consulted by Napoleon. On the 10th June, 1795 (22nd Prairial, year 3) J. Dusaulx introduced to the Convention a deputation consisting of Mably’s executors, his friends and publishers of the new fifteen-volume edition, accompanied by Desbrières, with the object of presenting these works to the Convention and proposing him for the honours of the Pantheon. It was claimed on his behalf that he was “the only one among those writers who have made France illustrious, whose only concern was the happiness of the nation”.²⁵ The President’s reply contains these words : “The National Convention receives with gratitude the homage paid it by your presentation of the new edition of the works of the virtuous author whose friends you had the happiness to be. Both the public and the private man will find in this precious collection the rule for their conduct, and their gratitude will place Mably in the rank of the benefactors of mankind.” Dusaulx used the following words : “If it is true, as I do not doubt it is, that he also disgusted us with our original state of servitude, what is not owing to him by the French nation as by all nations ? ”

The passages just cited clearly show the high esteem in which Mably was held during the Revolution. In

spite of them and of the numerous references to him by the most active men of the epoch, there is no satisfactory evidence that either he or any other dead writer had more than a fleeting influence. They were appealed to whenever moral support was needed for a project, much in the same way as Mably had, in his time, appealed to history whenever he needed backing for his own theories.²⁶ What ran counter to the immediate purpose was passed over and ignored. The distance between Mably's ideal of a republican communism and his improved feudalism which was to serve as the first step towards reform was so wide and filled in by so many alternative stages that it became easy for nearly all parties to appeal to him for support. It is consequently not difficult to find far more resemblance between the Constitution of 1791 and Mably's suggestions than those of either Montesquieu or Rousseau. Whatever may have been the influences which went to the creation of this edifice, they were of short duration, for it totally collapsed within a year of its completion. Mably himself had small faith in the power of political writings to "change the face of the earth".²⁷ He saw that it is habit on the one hand and events on the other which are mainly responsible for the political and social conditions under which we live, and the French Revolution gives ample proof of this. It was habit that preserved the monarchy in 1789, and in this connection it is interesting to note Rousseau's conservatism in protesting against St Pierre's suggestion of the overthrow of "a monarchy of thirteen centuries' standing". It was events—external and internal wars, famine and the treachery of the Royalists—which established the Republic after August 10th, 1792. Again, it was habit rather than doctrine which brought about the adoption of "the separation of powers" as a principle in 1789, and it was events—the persistent discord between the legislature and the executive—which gave it its peculiar form in 1791 and subsequently brought the executive

more and more into the control of the committees of the legislature until it was finally absorbed by the latter. It is possible that the principle of full discussion and consideration before legislation may have been adopted from Mably; but the Constituent and Legislative Assemblies found it convenient to make an exception to this rule in cases of "urgency". The definition of "urgency" rested with the Assembly, which meant that full discussion and deliberation only then took place when the feeling of the Assembly dictated that course; that is to say, the principle was a dead letter. The Constitution of 1791, which affirmed the principle of equality, at the same time denied that principle on the one hand by making the person of the king "sacred and inviolable", and on the other by instituting the distinction between "active" and "passive" citizens, which resulted in the disfranchisement of the "Fourth Estate". It is true that these contradictory principles coincided with Mably's ideas, but they were also the expression of the habits and fears of those who made the Revolution.

M. L. Michoud²⁸ saw Mably linked to the French revolutionaries of 1830-1848 through Babeuf and his fellow conspirator Buonarotti. The connection, although real, is of the slenderest. Babeuf was certainly strongly influenced by Mably as well as by Morelly, both in his earlier agrarian and in his later communistic attitude, and he acknowledged Mably as his master.²⁹

In 1828 Buonarotti published his *Conspiration pour l'égalité, dite de Babeuf*, which had a wide circulation among the French democrats.³⁰ The great point of difference between Mably and nineteenth-century socialism is fundamental: his agrarian communism has an ethical foundation, whereas modern socialism is primarily economic. The strong protest against the tyranny of the rich over the poor is common to both; but it would have been made in any case as an inevitable consequence of the industrial revolution.

VII

WHY IS MABLY FORGOTTEN ?

Mably was a child of his epoch. He was a strong adversary of the Ancien Régime, and as such enjoyed great popularity during the revolutionary period. Once it was passed, he sank into comparative oblivion, and, even if Guizot deemed the *Observations sur l'histoire de France* worthy of republication in 1823, such recognition was rare. There appears to have been a revival of interest in Mably during the revolutionary period of 1848, but since then he has been treated with undeserved neglect.

The reason for this is difficult to determine. M. P. Morillot, president of the Académie Delphinale at Grenoble³¹ endeavoured to find the explanation in Mably's utopianism. This solution cannot be accepted, for Mably was no utopian—his ideals only served to guide the formulation of practical schemes. And even had he been one, that in itself could not explain his having been forgotten. There have always been popular utopians, and Plato, More, Bellamy and Morris have their enthusiastic adherents. Nor can it be attributed to his heavy and clumsy style. In spite of Mably's insistence that books should always be made readable, and his unwillingness to forgive Locke for having made his treatise "On the Human Understanding" so difficult, his own endeavours at lightness were a failure, and his books are oppressively dull, dogmatic and pompous. But Locke is still read and Mably is not.

Why then has Mably's name passed into oblivion ? To reply that the popular mind is unfathomable and that it is impossible to account for its likes and dislikes is begging the question. There are always those who are little moved by superficial impressions—the specialists and experts who stand aloof from popular preferences. The mystery is why Mably has been neglected by the

historian and the political philosopher. During the latter part of the eighteenth century, he was frequently coupled and compared with Rousseau, even to his advantage.

Although few of Mably's writings were "Livres de circonstances" in the generally accepted meaning of that expression, yet, used in a wider sense, they really were. They were nearly all directed against the French social and political system of his day, and it was this that gave them their peculiar force. Once the crisis was passed and France had settled down into a new order of things, such works lost their interest, and if they survived, it was generally on account of their literary merit. Mably's books have no literary merit, and consequently have no attraction for the general reader. With the historian and political philosopher it is otherwise, for there is sufficient in Mably to claim their recognition. He is not only interesting as the personification of the revolutionary spirit and as a level-headed reformer, but because he formulated principles which have since been either accepted or re-discovered. There is little original in him ; but even apart from the isolated new ideas, important in themselves, what is original is the new form which he gave to old ideas—the new whole into which he wove the thoughts of others.

Mably is, therefore, significant in the realms of history and political science, and should be reinstated in the position from which he has been unjustly banished. And although he cannot claim parity with the great figures in the history of political thought, his importance is sufficient to give him a permanent and prominent place among those who have devoted their lives, and who have contributed to, the advancement of the human race.

PART II

THEORIES AND RECOMMENDATIONS

INTRODUCTION

Mably was impressed by the social and political conditions of his day. His independent spirit, his humane sentiments, and, above all, his ascetic disposition made him peculiarly out of harmony with his surroundings. Neither wealth, position nor fame had any attraction for him, and he was in consequence placed advantageously for criticizing his social environment. The evils, as he saw them, had become quite intolerable. He saw the immense luxury of the court, of the rich aristocracy and of the upper clergy existing side by side with the abject poverty and degradation of the lower classes. Immense sums were being lavished on luxuries of all kinds—on actors, musicians, painters ; on the upkeep of needless establishments, on court favourites ; whilst at the same time fields were lying uncultivated for lack of capital and men were starving, partly owing to this very defect in production, partly owing to bad laws adversely affecting freedom of internal commerce, and partly to the terrible state burden of taxation made necessary by extravagant state finance. He saw clearly that this great cleavage between rich and poor would lead to ruin, for the rich would find means of evading taxation, whereas the poor would soon no longer be able to bear it. Nor was the economic aspect the only one. To Mably the evil moral effects of riches and poverty were no less appalling. Indulgence and vice culminating in softening both of body and mind were the necessary outcome of wealth. The degradation of poverty was still worse, for the rich set the standard of life, and

the rest of the community sought to ape their example. The insincerity and corruption of the court and government disgusted him. He was appalled by the unsound conditions of state finance and by the general incompetence of the whole administration. Princes identified the interests of their countries with their own private benefit, and ministers were self-seeking and incompetent. The sums of money that they had to control were so immense as to defy the probity of almost anyone. As an immediate result of bad government, men lost interest in their country. Those who have no share in the framing of their laws cannot be expected to have any respect for them nor any feeling of patriotism. It was a depressing thought that with a population of twenty millions it was possible to raise an army of mercenaries only with difficulty. Even in spite of large expenditure on the army, the nation was quite unprepared for war. With the legal system of France Mably felt himself peculiarly out of harmony. Not only was there marked inequality before the law but there was flagrant corruption in its administration. It was a matter for deep regret that the aristocracy would not enter the magistracy, which was recruited from the bourgeoisie. Nor could justice and competence be expected from men who inherited or purchased office without any necessary training in the law, and who had to seek their recompense from the imposition of fees. The harshness of the criminal code shocked him. It was merely vindictive, and did not seek to make men better. Harshness has an evil effect, and tends to make us pity the criminal.

In the handling of foreign affairs, Mably saw only lack of principle, chaos, bad faith and treachery, leading to inevitable misery. Warfare had become chronic in Europe. International undertakings were continually being broken, and a line of conduct which would be universally condemned in a citizen would be condoned or praised in a statesman. Peace settle-

ments were made with such bad faith as to embody the seeds of future strife. Treaties were merely arrangements made between brigands. Wars, even if successful, did not bring any advantage to the people as a whole, for they were often made the opportunity of extending the prerogative of the Crown and of curtailing the privileges of the citizens. In the Church itself there was room for reform, since much could be done to sweep away religious superstition.

Mably was not daunted by the immensity of the problem which such an accumulation of abuses presented, although his pessimistic spirit at times almost overwhelmed him with doubt as to whether a corrupt generation would not be too blind even to realize its nearness to shipwreck. His life's work was to trace good and evil back to their origin, to discover their true nature, and so to be able to work out a general remedy for healing the ills, primarily of his own country, and incidentally those of mankind. The immense and sudden advance which had recently been made in the natural sciences had convinced both Mably and his contemporaries that laws of politics could be discovered, more complex perhaps than those of physics but nevertheless definite. The following chapters contain a summary of his mode of grappling with the problem and of the conclusions to which his investigations drove him.

CHAPTER I

THE NATURE OF MAN

The motive behind nearly all Mably's writings is a desire to discover the nature of human happiness, and to evolve a social and political system which would have the greatest chance of securing to men as much of it as circumstances will permit. If an inquiry will disclose an ideal, and at the same time show that that ideal is impossible of attainment, the labour will, nevertheless, not have been in vain. The ideal will serve as a guiding star, and will at least indicate the road along which happiness must be sought, the least divergence from which must lead to ruin and misery.

As he looked around him the conviction grew on him that all misery was directly due to man's action. Private property, a human institution, had resulted in avarice and ambition, culminating in strife and oppression; municipal laws divided men and were made in the interests of a few to the detriment of the majority; the credit system and banking had brought immeasurable misery in their train, and so forth. He thought he saw in nature a wise and perfect system, which, if left unhampered, would work for harmony and happiness. The task was then to discover what these laws of Nature are, and to ensure their free operation.

True politics is therefore a science; for its foundation is a knowledge of the forces of Nature. It differs from the natural sciences, such as geometry, inasmuch as it deals with more complicated situations whose

true natures are obscured and misrepresented by the poverty of language which makes precision difficult, and by the inadequacy of the intellect, the prejudices, selfishness and passions of politicians. Political truths do not receive acceptance when demonstrated, as is the case in the natural sciences.¹ Be this as it may, a clear-sighted and unbiassed philosopher will have no difficulty in perceiving the truth, for its principles are simple and evident, and can be deduced from an examination of pleasure and pain.² Once this natural system has been discovered, it will be a matter of the greatest simplicity for the state—an institution which exists solely for the benefit of its members—to impose a simple code of laws which will guide men to live according to nature.

Mably equates the good with the natural ; whatever is virtuous is in the intention of nature. He speaks of a thing as “natural” because it is opposed to the propagation of vices, or alternatively as “good” because it is natural.³

The first step is to study the psychology of man. Dispassionate introspection is of the utmost importance in this inquiry.⁴ But a knowledge of self is not sufficient ; it must be supplemented by a realization of the advantages which are to be derived from this knowledge in order that each individual may be enabled to develop to his utmost capacity. We must be made aware of our limitations, that we may be prevented from attempting the useless and impossible.⁵

A systematic treatment of psychology is not to be found in Mably’s works. His exposition is based on the teachings of Locke and the modification they received at the hands of Condillac, supplemented by his own observations. He appears unwilling to admit great innate differences in men.⁶ At birth children strongly resemble one another, and show no divergence in character or in moral propensities. Such differences as exist are purely physical, and it is these which enable

external factors to make a stronger or a weaker impression on the mind of the infant. It is consequently of the utmost importance that great care should be taken that from a very early age children are subjected to the right influences. Mably sees little hope of the realization of such conditions, for those in charge of infants are incapable of profiting by the teachings of philosophers.⁷ He is not consistent in his assertion that congenital differences are physical and never spiritual or moral, and admits that children show variations of character which, with proper guidance, may be modified to take a more desirable shape, but never successfully opposed.⁸ The main thread of his argument assumes, however, that men would show only comparatively small differences were they to be exposed to the same influences and have the same opportunities. All men are born with the same needs, faculties and organs: Nature bestows on none certain talents which she denies to the rest. Differences which exist at birth lie in the structure of the brain and cause external objects to react in different degrees on the understanding.⁹ He suggests that a surgical operation might conceivably change a dullard into a genius.¹⁰

In contradiction to the teachings of Descartes and Malebranche, Mably maintains that the human mind has no intuitive knowledge but receives impressions through the medium of the senses. It is one of the functions of reason to collect and arrange these impressions, and to work them into a connected system which may lead to the knowledge of truth. Thus it is that all ideas are actually derived through the agency of our senses, although the essence of things does not strike them. And so men are condemned to eternal ignorance with regard to the mysterious composition of nature. It is, therefore, important to bear in mind that we can never be certain of absolute truth; Newton and the philosophers of his time may in their turn be refuted, just as Descartes was.¹¹

The persistent reaction of our senses in a definite way to the same external object results in the formulation of definite ideas. Such ideas are, however, only particular, and it is the work of reason to collect and arrange them into general and useful principles. But reason makes many mistakes in this operation and truth emerges only after much erring.¹²

The testimony of the senses and its momentary effect on the brain would then not take us far. To make sensual impressions of real value we need the two agents, memory and imagination, the former to register past experiences and the latter to utilize them for the forecasting of results to be anticipated. Without memory we should only be able to act from instinct; without imagination we should not be able to judge of the future in the light of past experience.¹³ Unless the imagination is controlled by the understanding, however, it may become dangerous instead of useful.¹⁴ Properly used, it not only contributes to the development of self, but also adds to our pleasure. It is a faculty which should only find expression in action in conjunction with reason. But even when detached from it, it can serve a useful purpose by revealing our secret desires to us, which we may consequently oppose if need be.¹⁵ Invention is the most important quality of imagination.¹⁶

Although the arts and sciences owe their existence to reason, yet it is in imagination that we must seek their cradle. The extent to which the imagination must be held in subjection by reason varies with the particular science or art to which it is applied. The physical sciences have the advantage over the social and political, inasmuch as physical truths need only to be demonstrated in order to receive acceptance. Moral truths on the other hand often find favour only when there is an emotional response as well. It is here that the imagination can be of great assistance, and it should be given more freedom.¹⁷ Care must

be exercised, however, for if too vigorous it may weaken reason, as in the case of Milton and Rousseau.¹⁸ Mably confesses that he is ignorant as to the precise nature of the imagination, but believes it to be the faculty of conjuring up the sensations evoked by an external object when memory again presents that object to the mind.¹⁹

Immense study is needed to make a genius. For this purpose a good memory is required, but one which is not only prompt but is able to distinguish, retain and co-ordinate those facts of which the individual will have need.²⁰

Mably generally conceives of man as a being possessed of a number of disconnected impulses and instincts, or, as he calls them, "passions", which drive him aimlessly hither and thither; and also of reason, which, when free to act, is able to show him the goal towards which he must steer. It is the latter which is the divine element in man, and distinguishes him from the lower animals. As to the former, Mably's account of their origin is confused. His statement (see Note 7) that man is born without "passions", or at most the craving for food, would lead one to expect an explanation as to whence they arise. Here we are left almost entirely in the dark. There is a reference to the subject in *de la Législation* where he attributes their origin to economic and social inequality.²¹ Vanity is the direct outcome of the pride of social status, and ultimately leads to ambition and avarice.²¹ The usual assumption is, however, that the passions are natural to man, that is to say, that they are both inherent and necessary. Thus, as has been pointed out, the new-born babe already has the craving for food, and the sex-impulse which is "the all-absorbing passion of young people" is inherent in man.²² Throughout his works Mably emphasizes the unwisdom of attempting the destruction of the passions, although they may be the cause of our undoing. They are the

work of nature, and the endeavour would be futile and disastrous.

Although reason and the passions are naturally conflicting elements,²³ they demand organization. The latter are a number of unrelated impulses which it is one of the functions of reason to gather together into a harmonized system so that each may serve the purposes of the individual.²⁴ This domination must not be tyrannical and must not take the form of entire repression, but only of tempering, directing and regulating. A just mean in all things is to be aimed at and stoicism is irrational.²⁵ Not only are the passions necessary to our very existence but they are actually conducive to thought; for without the sensations of pleasure and pain, we should remain inactive, unstimulated to think and destitute of a will.²⁶ We must not attempt to reduce the strength of the passions to the extent that they no longer menace the smooth action of our reason, for they would then also be too weak to arouse us out of that state of indolence and apathy in which intelligence ceases to act and in which our actions are controlled by the simple instincts of the animals.²⁷ The ideal condition to be aimed at is "a warm heart coupled with a cool head".²⁸

It is pleasure and pain which are at the root of our social impulses, for it is enlightened self-interest which drives us into associating with our fellows and into making those concessions, or minor sacrifices, which alone can ensure the greater blessings of society. It is thus that the passions are necessary for its formation, inasmuch as they make us feel the need for one another. This mutual social need gives birth to virtues such as gratitude, pity, justice, love, all of which militate against selfishness. A love of glory, which causes society to hang together, is also engendered by them.²⁹

Thus the stimuli to action are pleasure and pain functioning as the guides to self-interest. But as these sensations pertain to the material side of man, which,

although necessary to his existence, is nevertheless only subsidiary to his spiritual self, they cannot be relied on to indicate the ultimate and highest good. Momentary pleasures and pains may be false inasmuch as they may point to a false road ; for true good may have to be sought through pain, whereas pleasure may result in subsequent and greater misery. It is reason, strengthened by the fruits of experience, which must detect these illusory pleasures and pains and set them at naught.³⁰

Mably does not attempt an explanation of the duality of man. He considers it futile to try to find the solution of the problem why God wished to create a being at once spiritually exalted and carnally debased.³¹ Man can only be accepted as a fact.

An inquiry into the factors which go to the formation of character is an essential part of the larger inquiry into the nature of happiness. Education is the agency which, above all others, can shape character. Character is an acquired habit of thought and action, and habit is formed in ordinary every-day life. Education, by moulding our tastes and our ways of thought, can, through their medium, influence our doings, for whatever is habitual ceases to demand an effort of reason, and stimulus brings about automatic action.³²

Another important factor in the determination of character is environment as embodied in the traditions, laws, customs and general spirit of the nation. Our very likes and dislikes are often the result of conventions.³³ Individuals are inextricably bound up with their surroundings ; and even if one or other of them evinces marked independence, yet, in order to become a force, he is compelled to accept the general attitude of his compatriots and make his personality felt through its means. Prominent men are less responsible for making events than gifted with the faculty for utilizing circumstances which they find.³⁴

Mably lays emphasis on the fact that most men are

far more prone to "follow the crowd" than to think out a course of action for themselves. Few are born to lead, and the many follow blindly. Incapable of independent thought, the majority simply accept and repeat what others tell them. This is unfortunate, for the progress of mankind rests on the independent solutions which individuals find to their own experiences and communicate to the rest.³⁵

CHAPTER II

MORAL CONDUCT

Not only does Mably lay insistent stress throughout all his writings on the supreme importance of moral conduct, but he devotes a separate work to ethics—*Principes de morale*. Its importance lies in the fact that virtue is the cause of happiness.³⁶ Unfortunately, he does not treat the subject scientifically, and his arguments are rather an exhortation to live rationally—*i.e.* in conformity with the dictates of Mably's own personality—than a system of ethics.

The object of the moral life is utilitarian: it brings reward.³⁷ The virtuous individual will have a peace of mind that means happiness, and though he be persecuted he will still be happier than his oppressors, for they will be overcome by remorse. The seat of happiness is within us, and not in external objects.³⁸

Not only the virtuous individual but a state composed of virtuous beings will prosper, and the measure of its prosperity will be in direct proportion to their virtue.³⁹ If contemporary Europe presents the aspect of corrupt and commercialized states flourishing in spite of their vices, it is only because they are all in the same condition, and the problem of success resolves itself into one of relative virtue and vice.⁴⁰ It is true that it has apparently been gained through the action of vices, such as injustice and ambition, but it is never stable unless it has a sound basis.⁴¹

It must be noted, however, that prosperity must not be reckoned in terms of riches or of territorial

growth, both of which must be rejected as highly dangerous. It must be gauged by stability, by external and internal security, and by human happiness. Dignities, riches, splendour and power only bring fleeting pleasures which do not constitute happiness. Happiness is peace of soul and derives from just conduct.⁴² Material wealth is inimical to this condition, and we should, therefore, aim at mediocrity of fortune.⁴³ It may be objected that we are often confronted with the spectacle of triumphant wickedness and of the sufferings of the innocent and virtuous. But even should a man not receive his modicum of reward and punishment on this earth, he may be sure that an exact account is being kept of his conduct, and that he will be dealt with accordingly in the world to come. A realization of this truth is essential to the very existence of society, for, unless men are convinced of the certainty of rewards and punishments, they will not act morally.⁴⁴

It is reason which should be the sole and is the sufficient guide to right conduct. Mably reiterates this with emphasis. Yet he is not consistent, as will appear later.⁴⁵ The good life is a life according to nature, and it is reason which is able to interpret its laws. If we nevertheless run into misery, it is due to the blindness which our obedience to passions imposes on us. The laws of Nature are the expression of the will of God, and reason is the link which joins Him to man. What it reveals is the absolute need for the social virtues—humanity, justice, benevolence, and the subordination of individual to communal welfare from which it should derive.⁴⁶

Absolute morality is immutable and is valid at all times and all places. It prescribes the unchanging rule that men must seek the most rational method for securing true happiness. But that does not mean that a system of ethics is discoverable which can be applied in all times, places and conditions. Human reason is limited, and cannot conceive of the absolute.

It varies, moreover, not only according to the age of the individual, but according to the development of knowledge and intellect to which the world as a whole or any section of it may have attained. Human morality is therefore not absolute but relative. Systems of ethics may, then, differ from age to age and from place to place, and men must be judged according as they honestly seek to act in conformity with the dictates of untrammelled reason.⁴⁷

Another reason which makes it impossible to lay down hard and fast rules of conduct, though derived from absolute principles of morality, is that all conduct can be either good or evil according to circumstances.⁴⁸ Thus Cato, by acting as though he had to deal with virtuous men instead of with "brigands" (the Romans), achieved results which were contrary to his good intentions.⁴⁹

Mably's acceptance of a supreme, omniscient, omnipotent and benevolent Being, compels him to assume that all His creations must be perfect, relative to their end.⁵⁰ He is, in consequence, puzzled, like so many other thinkers, as to why an all-wise Being should sanction a state of affairs so fraught with dangers for mankind. Like so many others he sweeps away his tormenting doubts with the narcotic of submission; we must accept where presently we do not comprehend. The human mind is limited, and cannot, therefore, grasp the infinite. Even if the full intentions of God were revealed to the cleverest among us, he would be incapable of understanding their import.⁵¹

The account given of the "passions" is very scanty. It has already been pointed out that their origin is left unexplored, although we are told that, with perhaps the exception of the craving for nutrition, man is born without them. Some passions wear out with time, such as anger, love, voluptuousness. Others, like avarice and ambition, always gather new force. There are passions, such as vanity, which can ally with some

virtues ; and it is these which can be used in the process of correcting a people.⁵² We are further told that the two most destructive are avarice and ambition, and that they bring in their train innumerable vices. His general contention is that these two passions are born of private property and riches⁵³ ; but in one passage he writes that inequality in the status of men, whatever its cause, is “ the parent of avarice and ambition ” (See Note 114, Part II). Now it is possible that riches in themselves are harmless, but they foster the passions and are quite useless to the virtues. They are consequently dangerous.⁵⁴ He draws far-reaching conclusions from this observation (see the sections on “ Communism ” and “ Politics ” below).

In his treatment of the virtues, Mably follows the general lines laid down by Plato. The principal are generally held by him to be Justice, Prudence and Courage with occasionally the addition of Temperance, although he usually places the latter in another category.

Prudence is “ enlightened reason ”. In its widest connotation it embraces the whole art of living. It is the foundation of all other virtues, for they lack direction if not assisted by wisdom. By its means the passions are held in check.⁵⁵ Although justice is of the essence of social existence—the link which binds men together—it should rank after prudence in importance.⁵⁶ It finds expression in the golden rule. True courage does not have its origin in blind impulse. It must be rational and able to suffer misfortune with fortitude, just as it must, on the other hand, regard success with suspicion.⁵⁷ It must not be confused with avarice, which can at times bring about the success of hazardous enterprises.⁵⁸ Courage is needed in everyday life. It is this which lies at the bottom of a sound public morality, which is, in its turn, the basis of military courage.⁵⁹

The exercise of the principal virtues will always be good. It results in order, peace, security and all

well-being. There are others which are subordinate such as generosity, economy and compassion, which, if not directed by the principal virtues, will result in evil.⁶⁰ They cannot exist in vacuo, but must, like the latter, be "grafted on" the four "mother" or "auxiliary" virtues—temperance, love of work, love of glory and respect for God. In fact, the exercise of the "mother virtues" will result in the three principal virtues. The lesser virtues must be made dependent on them or they will become exaggerated and grow into vices. Without them there can be no patriotism and men will be self-centred.⁶¹ Patriotism is an example of one of the subordinate virtues; unless it is controlled it may degenerate into animosity for the rest of mankind. (See below, ch. 12.)⁶² To Mably patriotism means the subjection of individual advantage to the needs of the community. It is far-sighted social unselfishness which causes the individual to seek his happiness in the welfare of the community as a whole.

Mably gives us some account of what he means by each of the four "mother" virtues. Temperance consists of compliance with the wishes of nature in respect to human needs. It avoids excesses as well as deprivation such as that indulged in by the Stoics.⁶³ Unfortunately this definition of temperance does not take us far, for it tells us nothing of man's needs. Without such a knowledge we cannot know whether our desires either exceed or fall short of them. Intemperance brings unhappiness in its train, for it cannot in the long run be satisfied. It makes men capable of sacrificing their country to assuage their cravings. It corrupts both rules and subjects and enfeebles young men who are thereby rendered incapable of defending their country.

There is great danger in leisure, for it is during those periods that we most easily develop our passions. The love of work is consequently a virtue, for it keeps us out of mischief.⁶⁴ But there is an important qualifica-

tion, for not all kinds of work are useful to society, and there is an idleness which is less harmful than some kinds of work. The work done in Tyre and Carthage corrupts, for it is the outcome of avarice and cupidity and does not assist temperance in regulating the passions. There the love of work only serves to degrade the masses and to inspire the few with insolence ; it produces mercenaries and tyrants. Nature gives us all we require, but we must buy it with our labour. But if the work imposed on us is disproportionate to our strength, if the hope which makes us undertake it with joy is disappointed, if it does not meet our needs, it becomes unbearable and can condemn men to virtual slavery.⁶⁵

Work should be regarded as a social duty. As such, the real incentive should be public opinion, and Mably suggests that those who do their duty should receive public distinctions. There is, however, only one satisfactory way of attaining to this virtue, and that is that "henceforth the fruits of the earth shall belong to those only who have cultivated it".⁶⁶

The virtue which Mably calls "love of glory" is a desire for public esteem. It is essentially unselfish inasmuch as it induces men to sacrifice themselves for the general good. The reason why so many political errors are committed is that men strive after false glory, which makes many vices and prejudices respectable. True "love of glory" needs careful fostering, for it is easily crushed by fear. Thus Draco's laws, arising as they did from a perverted sense of morality, failed in their object, since they would have turned men into servile beings had they been cowardly enough to obey them. Shame should suffice to punish offenders if you wish to make the love of glory more virile, for humanity lies at the root of all virtues. The love of glory is a force which can infuse a strength into our weak virtues and make them as strong as our passions. It is a noble and generous sentiment capable of raising

us to great achievements.⁶⁷ It makes us forget ourselves by a sort of prestige. Public esteem and not wealth is its natural reward. Nor was Plato right when he made the gratification of sexual desires the reward of public services, for it is too dangerous an impulse to stimulate.⁶⁸ The love of glory is the only one of all the virtues which, with the assistance of vanity, can still be in evidence in the midst of extreme corruption.⁶⁹

Religion, or, as Mably terms it, "respect for God", is essential to man living in society. Without the knowledge that all our acts are being supervised by an omniscient being we should become immoral. Magistrates cannot look into our hearts and punish us for our misdeeds, but nevertheless we cannot escape. Religion is thus necessary for society.

All virtues are linked together in one way or another ; they support one another. Thus prudence is the soul of all the virtues ; without her, justice, at times too severe, at others too indulgent, will not have a constant course. Continual vigilance is needed since it is easy for vices to creep in unnoticed and finally become habitual. The weakening of any one of the principal virtues, of prudence, justice, courage and temperance, will inevitably lead to the undermining of the others.

The auxiliary virtues such as economy, generosity, clemency, benevolence, gratitude, patience, etc., will become perverted and, as they are all needed by society, society will suffer.⁷⁰

Hope and fear are requisite for man's discipline. Fear avoids shame, remorse and ignominy, but is a vice if it only leads men to attempt to escape the punishment of the law. On the other hand, hope can degenerate into giving strength to the sinner in his evil enterprises.⁷¹

It is quite certain that our capacities and abilities are given to us by Providence, and that they ought not to be destroyed. What, then, should be our attitude

towards our talents if their free development can be dangerous to man? In *Des Talens* he attempts to arrange them in their order of importance. It is their utility to men which determines priority in the arts and sciences. Philosophy must come at their head, for it benefits the whole of mankind. Statecraft and military science, which keep the state intact, are next in importance. History, which is the storehouse from which politicians and moralists must draw their knowledge, is also essential.⁷²

To Mably, correct action was not determined by any external law, but by the whole structure of man himself. The question, what man should do, must be preceded by the solution of the problem, what is man? The first step to be taken in the direction of the study of the nature of man is, as has already been pointed out, an examination of self. Continual introspection will lay bare our instincts, motives and desires and so point the way to correct action.⁷³ We can quickly acquire the habit of judging whether we are moved by reason or feeling, and we must make reason progressively stronger against the passions. We need incessant criticism of self in order to be sure that we do not delude ourselves as to our motives.⁷⁴ This habit of self-judgment will not lead to hesitation and doubt, for the more one has made a habit of rational thought, the more will ideas be made clear and definite so that decisions will become almost instinctive.⁷⁵

The principle which should guide men in their relations to one another is the golden rule.⁷⁶ It is curious that Mably expounds it in its negative and consequently restricted form.⁷⁷ It is taught by reason, for she demands justice.

CHAPTER III

THE BASIS OF POLITICS

Mably's inquiry into the nature of man demonstrated that it would be futile to think of him as living an isolated existence. Here Mably is at one, not only with Greek thought, but with his contemporaries, the Physiocrats. Man is essentially social, and as such his relationship to his kind appears as a subject for investigation equal in importance to his psychological and general physical make-up. They are in reality both part of a wider inquiry—that into the dictates of natural law. It will furnish an infallible standard for determining the rights and duties of men in society and for judging the appropriateness or shortcomings of existing institutions. No logical or durable political or social structure can be erected without an intimate knowledge of and close compliance with natural law; it is the basis of true politics. By natural law Mably means all that is implied by the right of man to an equality of treatment and to an equal claim on the bounty of Nature.⁷⁸ It is from Nature that rights and duties emanate, and not from charters. The English habit of attributing rights to the liberality of her monarchs or to the success of her subjects in forcing them from them, as in the case of Magna Carta, is erroneous and dangerous; it puts liberty on a precarious basis.⁷⁹

The same causes, whether they be vices or virtues, laws, customs or passions, always produce the same effect. It is for us to discover the underlying laws which regulate these processes and to deduce principles

of action from them. It is because legislators neglect this study that states present such a spectacle of confusion and maladministration. Before all, legislators should be clear in their own minds as to the goal they have set themselves—the goal of human happiness to be reached by the recognition of man's identity. All proposed measures should be scrutinized in the light of that goal. It is because laws are generally the outcome of prejudice and passion or conceived of as palliatives that political systems are chaotic. The remedy is a devotion to eternal principles.⁸⁰ Rodin and Montesquieu were mistaken in thinking that climate makes an essential difference. To say, for example, that despotism is compatible with a hot climate is erroneous, for it only too often flourishes where there has once been liberty, whilst free republics have sprung out of tyranny. It is true that climate has a marked effect on men's temperament; but that only indicates that the same principles should be applied in varying proportions in different regions. Vices and virtues are the same all the world over, and liberty and an impartial and just administration of the law are everywhere a necessity. If a warm climate coupled with bounteous natural gifts makes men cowardly, soft and indolent in body and mind, as in Southern Asia, it is the duty of the legislator to create such institutions as would raise the people out of their lethargy, to foster all the virtues, and not to erect himself into a despot.⁸¹

The end of society then is equality, and natural law demands that political and social institutions shall be adapted to this end. It is reason, unfettered by prejudice and passion, that must read and apply this law and so compel men to live according to the wishes of Providence.

Mably shows a strong inclination to follow his master Plato in his parallel between the human body and the body politic.⁸² An adherence to this conception

would have driven him to the conclusion that the decay of states is inevitable, a conclusion which would have been incompatible with his desire to evolve a scheme which would guarantee the permanence and the happiness of states. There are, then, important differences, and he criticizes Rousseau, "the most eloquent writer of our day", for asserting in the *Contrat social* that states are as much doomed to death as men. It is true that the passions of men bring about the ruin of states, but, he asks, "Is it permissible to conclude from this that no people will be able to do what no people has yet accomplished?" Life in accordance with the teachings of natural law will guarantee permanence.⁸³

As a virtuous life alone can bring happiness, politics must be based on the teachings of ethics which, in turn, must have a psychological foundation. Natural law, ethics and politics are so closely inter-related that they actually form one and the same science regarded from different angles. Politics is the dynamic aspect, and its function is to make men virtuous.⁸⁴ Like Helvetius and Diderot, Mably held that good morals are the result of good laws. The state must occupy itself with morality, not merely laying down in outline the field of its exercise, but regulating every activity of man into the very details of his private life, for unless a man is virtuous in his private life he will fail in his public duties and the state will perish. No action can with safety be overlooked,⁸⁵ although of course all actions do not all claim equal attention.⁸⁶ It is essential to create a nation of honest men, for laws become abortive where morality is lacking.^{86a} Virtue, and not wealth, is the strength of the state.⁸⁷ Of such paramount importance is virtue that, in comparison, the type of political organization sinks into insignificance. Thus no evils arose out of the Egyptian despotism before the days of Sesostris; for both monarchs and people were virtuous.⁸⁸

Mably evinces a deep-rooted fear and distrust of women. They are man's intellectual inferior, but are nevertheless a snare to him. He insists that their state of morality must receive careful supervision if they are not to wreck the state through their corrupting influence on men.⁸⁹

Since natural law is to be discovered by means of reason, only those who possess that faculty in an untarnished condition should be entrusted with the task of governing. It is absurd to assert that all men are capable of exercising it, for it has been possessed in that pure form perhaps by no more than a thousand men since the beginning of the world.⁹⁰ In most people the brain becomes exhausted after it has concentrated on one subject for some time, and ceases to be capable of clear thinking. Illness, or violent emotion, moreover, only too often warp our vision and drive us to false conclusions.⁹¹ Nor is reason capable of determining the true interests of the individual until after a long process of trial and error during which the distinction between true and false pleasures and pains emerge. We can in fact never be certain that our reason is not biassed. The physicist sees that our senses are deceptive, but the politician and the moralist are different, for reason seldom gives them guidance.⁹²

Most men follow a leader blindly and are too stupid not to be astonished at loving to-day what they despised yesterday. Vanity inclines us to accept our opinions as truth and they are usually the outcome of the beliefs and traditions in which we have grown up. So firmly are these rooted and so loth are we to divest ourselves of them that if we were confronted with the truth we should only shun it. It is public opinion which rules us and makes us accept the conventional standards of good and evil which often have no relation to reality. We like to accept as true and good whatever flatters and pleases us. In short, reason has little share in directing our every-day actions.^{92a} It was, therefore,

ridiculous for Voltaire to assert in connection with the Thirty Years' War that "Europe would to-day be nothing but a vast cemetery if philosophy had not extinguished fanaticism and enthusiasm". Men ceased fighting because they were exhausted and wanted peace for that reason.⁹³

We are ruled by habit ; even philosophers, trained as they are in the exercise of their reason, are slaves of routine. We even become used and attached to bad government, customs and laws. The citizen is in consequence often duped through the respect which he is in the habit of according to his rulers. Nor is this all, for he is dazzled by brilliant military achievement and does not reason about its real worth.⁹⁴ Even when he imagines that he is actuated by his reason it is nearly always rather by personal inclination and prejudice.⁹⁵

Reason in most men is, then, quite unequal to the task of raising them above their senses. The great multitude accept the ideas suggested to them. This condition is, nevertheless, far more acute than it need be. Much talent and genius is lost in the "dregs of society" owing to the lack of educational opportunity. There poverty and want drive men to follow blindly the morals and habits of the nation, and their genius is stifled. At the other end of the social scale the weight of riches bends men to earth and wastes their natural gifts. Flattery warps their reason and hardens their hearts, and they become the slaves of the opinion of their caste.⁹⁶ Even though all these impediments to the free development of men's talents were swept away, we should still find that the majority are by nature "condemned to the permanent infancy of their reason". This need not, however, be a matter for too much regret, for at the same time they are given "parents and guardians" in the form of rulers. Such differences are even essential to society, for it could not exist if all men were equal in enlightenment,

prudence, courage and talents. If men were all identical in these respects, they would not be willing to acknowledge rulers and to be subordinate. The relationship between rulers and governed is not that of master and servant but of mutual co-operation.⁹⁷

CHAPTER IV

THE ORIGIN AND GROWTH OF SOCIETY

In order to build up a theory of society, it is necessary to understand the nature of man. He is essentially selfish, and it is self-interest which is the keynote of his actions. The sensations of pleasure and of pain are the stimuli which direct him. It is self-interest which underlies all the social instincts, and which, though at first sight it may appear anti-social in its nature, actually welds society together.⁹⁸ Mably thus arrives at the same conclusion as Shaftesbury.

The pre-social state of man was miserable. By himself he was weak and lived in hourly fear of his life. In his own interests he was compelled to seek the society of his fellows. But Mably does not appear quite happy in his assumption that self-interest is the controlling force of man's conduct. He perceives that man possesses a number of social impulses such as pity, gratitude, the need to love, fear, hope, the longing for the esteem of his fellows, all of which seem primary in origin. Unfortunately he is so convinced of man's fundamental selfishness, that he attempts to squeeze these social impulses within the narrow limits of self-interest, by maintaining that they are stimulated into activity by pleasure and pain.⁹⁹

But quite apart from these natural impulses which compel men to unite, such a union is necessary, not only because progress can only be secured by the interchange of thought, but because virtue, so essential to happiness, can only spring into being in society.

Nor is this all, for association enables the divergencies in the mental and physical equipment of individuals to be exploited and the advantages of division of labour reaped.¹⁰⁰ The physiocratic contention then, that society has an agricultural origin, is false.¹⁰¹

It must not be assumed, however, that men passed suddenly from their primitive condition into a highly organized political state. They realized, it is true, the need for organization implying rulers, but the growth of the idea of the sacrifice of those things which seem to bring immediate personal advantage for the securing of the higher social good is very slow.¹⁰²

In his pre-social state man differed little from the animals; he acted from instinct alone, and his higher faculties remained dormant. Fear controlled him.¹⁰³ It was the beauties of Nature which first gave the incentive to thought. Curiosity and the craving to explain natural phenomena developed the reasoning faculty in the more favoured, who during the course of their reflections discovered the need of association. These few became the leaders of men, who, for the most part, follow blindly.¹⁰⁴ The reason why the majority obeyed their intellectual superiors is to be found in fear which is, in reality, the instinct on which society rests.¹⁰⁵ It was fear which led to the invention of weapons, and the right of the stronger was the rule of life. This was far from the utopian condition that Plato dreamed of.¹⁰⁶ So intolerable was the primitive state of anarchy that men were driven to associate in an endeavour to harmonize their interests.¹⁰⁷ The idea of a public good was, however, absent, and men came together rather in a spirit of bargaining for personal advantages much as they do at peace conferences to-day. It is clear, then, that early attempts at organization had small success. Such success as emerged, however, enabled organization to develop and finally to give birth to the idea of a public good which should transcend the selfish interests of the individual. Primitive man was

like a child and was unconscious of this, the first of all moral laws. Thus the idea of a public good followed, and did not precede, the establishment of society. The idea of a moral rule grew out of that of duty which is embodied in all conventions.¹⁰⁸

The security which association gave to the individual enabled him to devote his time to the perfecting of the arts and to the development of his mind. The very mistakes which men made contributed to their progress, and the experience they gained and the comparisons which they made enabled them to foresee the future with an increasing probability of success. It is a mistake to view the errings of our predecessors with an air of patronizing superiority, for they were doubtless on as high a plane of intellect as ourselves. Restricted as they were in experience, they could not have acted otherwise than they did. If after making a political or a philosophical discovery their self-esteem made them imagine that they had arrived at the summit of wisdom, that is no more than we are all prone to do. Self-esteem is inborn and prevents us from realizing that, just as the theories of past philosophers have been overthrown, so those of our contemporaries will be superseded by others.¹⁰⁹ Much of the progress which was made was the direct result of strife. It is because men are actively intolerant of undesirable conditions that they throw them off and seek after something better. What they substitute for the old may be another evil of equal magnitude; but what is gained is experience, and unless men experiment they can never arrive at something better. The great enemy of progress is lethargy.¹¹⁰

Mably enters into an inquiry into the origin of social classes. He goes back to primitive times. It was accident and the personal inclinations of early rulers which gave the tone to primitive laws; that is the reason why habits and customs differ in different countries.¹¹¹ A body of national habits and customs

grew up in each state. These became interwoven in the very fabric of the citizen's nature, and took the place of his independent thought as they do to-day. They became the backbone of education, and morality is still judged by them.¹¹² Impressions of early childhood accompany us to the grave. Yet there is much to be said for these customs and traditions, for they tend towards stability ; few people are moved to strike out fresh paths for themselves.¹¹³

These national differences were the cause of early wars. It is to them that class distinctions are traceable, for the conquered became serfs. Avarice and ambition inevitably followed and laid the foundation of future ruin.¹¹⁴ But Mably does not adhere to this theory of the origin of classes. Two other suggestions are put forward. Those men in primitive society who were possessed of superior intellect by means of which they were enabled to secure to themselves a position of prominence had a contempt for the less gifted multitude. They regarded their position as a right, and did not recognize that their superiority of intellect was given them by Providence in order to enable them the better to serve the community. They used it to make dupes of their fellow beings.¹¹⁵ Another account attributes the rise of a ruling class to the institution of private property which gave birth to ambition.¹¹⁶

The account of primitive man and society as outlined above differs from Mably's earlier conception, which is a copy of Locke's account. It is to be found in *Des Droits et des Devoirs du Citoyen*. Far from the right of the stronger holding sway, even in the pre-social condition men had rights and duties as taught on the one hand by the experience of pleasure and pain and on the other by reason. Society was in fact formed to give systematic support to the dictates of reason and to the innate rights of man. Its prime function is to ensure the operation of natural law.¹¹⁷ Mably does not shirk the consequence of this view, that where state

law fails to express natural law the citizen has the right to assert it ; it leads him to justify, not only self-defence where the law cannot help the victim, but also theft where starvation threatens. It gives the right of revolt in the last resort.¹¹⁸

Mably's frequent references to primitive contracts, conventions and treaties might indicate some theory of a social contract. But there is an emphatic refutation of such an explanation of society, which in one form or another found almost universal acceptance among his contemporaries. It is inconceivable that primitive men with their crude ideas should have been able to have a reasoned conception of what society meant and what it gave to and demanded from them. They were driven together by instinct and need, and the idea of a compact was far from their thoughts. Society grew unconsciously out of the fundamental nature and requirements of those who composed it.¹¹⁹

CHAPTER V

HISTORY

Although the study of self will teach us much that is of the highest value in determining how best to organize human relationships, it will envisage only part of the subject. It will not reveal how the interplay of human forces resolve themselves into events, and it is by a study of history that this other part of the problem may be elucidated. So important did it appear to Mably that it formed nearly one-half of his writings.

History reveals a continuous chain of events, causally connected.¹²⁰ Its careful study will, therefore, enable us to prophesy the future. Even the most violent and sudden change has its origins in a series of prior, though not necessarily obvious, events; there is no such thing as chance.¹²¹

But history would be futile if it stopped at disclosing a chain of happenings; it must always have a moral, and, therefore, a political, end in view. It must be a school in which men may learn right conduct. It must reveal human rights and prove that true prosperity, whether of the individual or of the state, is the inevitable consequence of moral conduct, and that vice as surely brings disaster. It must dispose men to love the good.¹²² By its aid, then, we are enabled to interpret natural law, to formulate the true system of ethics, to elaborate a theory of politics, and finally to erect a legislative structure that will guarantee human happiness. The historian must actually be equipped with the knowledge which would enable him to write on ethics, politics and legislation although, in fact, he should not do so.¹²³ How the historian is to acquire this preparatory knowledge, which only a study of

history can furnish, before entering on his historical studies, is a question which Mably leaves unsolved.

Politics may be divided into two types : one based on natural law, and in consequence dictated by reason, the other the outcome of men's passions.¹²⁴ The historian must study both, but the former must be his guide and will furnish him with a gauge for measuring the adequacy of the policies of states.¹²⁵

To Mably, then, history is only of interest in so far as it can furnish mankind with useful lessons. It is the duty of the historian always to keep the moral end in view. An amassing of facts without particular moral significance is useless ; and yet this is the method pursued by most writers. The task is difficult and requires "much judgment and taste to reject things, beautiful in themselves, which would be irrelevant".¹²⁶ Yet it must never appear from the historian's writings that he is moralizing and exhorting, for rhetoric is the province of the poet and orator, and criticism, which is boring to most readers, should be carefully veiled. "To instruct, you must please." The narration must be graphic and hold the reader interested ; it must be concise and have logical sequence.¹²⁷

If history is to have a lasting effect on the reader, it must appeal primarily to his reason and not simply to sentiment. The historian may be tempted to indulge in exaggeration in order to drive home a lesson ; but such a policy is to be condemned, for the thoughtful reader will observe the device and treat it with contempt, whilst the superficial reader, who may be deceived by it, will in any case not profit by the lesson. Every cause has an effect commensurate with its own magnitude ; an exaggeration consequently becomes obvious to all who have a knowledge of social forces.¹²⁸ Mably strongly advocates, on the other hand, the use of imaginary utterances by historical personages. No history will be both instructive and agreeable without speeches ; they enable the historian to show the

thoughts, motives and interests of the people. They strike the imagination and lend life and colour to the situation. But they should be used only when absolutely necessary, that is to say, on important occasions, such as when the glory or safety of the country is in question, or when a daring enterprise is to be undertaken. But this in itself would not be adequate reason for using the device: it is also necessary for the incident to be open to various interpretations. The speech should then be free from embellishments and rhetorical devices, and should be imbued with a compelling logic. It would also enable the historian to put into the mouths of his characters things which would offend if they came from himself.¹²⁹ The opinions of the historian must always be kept hidden and disguised, so that the reader will adopt them as facts.¹³⁰

On no account should buffoonery or satire be resorted to, for the task is much too serious.¹³¹ It is one of Mably's chief complaints against Voltaire, whom he never tires of denouncing as a bad historian, who, even if he had read the ancient capitularies of France, could not have understood them, for he entirely misinterpreted the motives which impel men.¹³²

The student of history must be careful to discriminate between truths of universal and those of particular reference, for it would be fatal to erect into a principle of universal applicability inferences from particular events which may only hold good under certain conditions.¹³³ Thus it is, that in considering some occurrence, it will be essential to study the constitution, laws, customs and history of the country in which it took place. False deductions are otherwise liable to occur, and incidents to be attributed to the action of some prominent individual, whereas, what is more likely to have been the case, the individual was himself a product of his material and spiritual surroundings.¹³⁴ Hume was guilty in this respect.¹³⁵

The histories of foreign countries should be studied

so that we may benefit by the experiences of others. But whether man is capable of profiting by such lessons seems doubtful to Mably, who has little faith in human wisdom.¹³⁶ The effort should nevertheless be made. Antiquity provides sufficient examples for the guidance of all nations. It is there that we can find models to follow, and it is there that we see clearly what should be avoided. The lesson is amply taught that success is the reward of virtue ; and if experience appears to contradict this, it is only because we are dealing with the imperfect.¹³⁷ Mably's pessimism sometimes obtains the upper hand, and he admits that history only too plainly shows that the most odious tyranny has triumphed over virtue and has succeeded in retaining its ascendancy by superior force.¹³⁸

One of the most important political lessons taught by history is that revolutions, however sudden in appearance, are the outcome of a long series of events. Men are the creatures of habit and so do not long for sudden change. Unless the legislator profits by this lesson, all the others will be useless, and his efforts at reform doomed to disaster. This is so important that Mably continually returns to the subject.¹³⁹

Like Harrington he maintains that history is particularly valuable to rulers, who should be able thereby to profit by the experiences of their predecessors.¹⁴⁰ It shows that princes have never merited the praises showered on them by their courtiers, and this should be a warning to them not to trust too implicitly in their own powers.

History, is, then, in a sense, an epic ; it shows great obstacles encountered and overcome, virtue rewarded and vice punished.¹⁴¹ It is the handmaiden of politics, which seeks by its aid to inspire citizens with noble sentiments, to make them virtuous and seek the true good, and so lead them to happiness. It should always be written with a moral end in view, and is useless simply as an account of interesting and entertaining facts. Its aim must always be ethically utilitarian.

CHAPTER VI

EQUALITY, COMMUNISM AND PROPERTY

A philosophy of equality is to be found in numerous writers of the latter half of the eighteenth century, among them Montesquieu, Rousseau, D'Argenson, and Diderot. Mably was essentially a moralist, and this determines his angle of approach. His conviction that the good life is a life according to nature compels him to the advocacy of equality in the state. An investigation into the nature of men reveals that they are identical in all essentials. The similarity of their physiological and psychological structure postulates almost identical needs. From this identity of needs springs the equality of social and political rights ; for it is manifestly unjust that any man should have the right to demand from others that which he himself would not be willing to grant. Natural law is, in short, the "law of equality among men".¹⁴² It is true that society postulates a division of citizens into governors and governed, but this does not upset the principle of equality if all can aspire to power, and so long as those momentarily exercising it are responsible to the community as a whole.¹⁴³

Unfortunately this natural equality of men has become obscured by the establishment of private property. Mably endeavours to explain its origin, but appears unable to arrive at any definite conclusion. He consequently hazards several suggestions. In one account he puts forward as probable that the idea of private property was conceived of by some drone who, not having acquired the love for work, endeavoured to

force others to do it for him.¹⁴⁴ Another theory runs as follows: at the dawn of society men lived under a communistic régime, work being allotted according to the capacities of those who had to perform it. The resultant produce went into common store-houses, and was shared out by magistrates to the individuals comprising the community, according to their needs. Laziness, however, crept in like a disease. Its cure would have been to recompense good workers with honours, which would have stamped them as benefactors of the community. This solution would have had the double advantage of simplicity and effectiveness, for men are very susceptible to the praise and blame of their fellows. What unfortunately suggested itself to our primitive forefathers was an equal division of land among the members of the community. The result hoped for was that the lazy would be compelled to work without which they would no longer be able to exist. The consequences were, in fact, fatal, for the institution of private property is the cause of all our social troubles.¹⁴⁵ Mably suggests alternatively that this desperate remedy was resorted to owing to the unfairness on the part of some of the magistrates in the distribution of the common produce. In his *Des droits et des devoirs du citoyen*, written while still strongly under the influence of Locke's view of early man, Mably has a confused account of the origin of private property, from which it would appear to have existed in the pre-social state, and to have been justified as the outcome of the possessor's labour. On entering society, the proprietor was justified in retaining his rights over his possessions. It was, nevertheless, only an expedient, and an unfortunate one at that.¹⁴⁶

However this may be, private property clearly rests on convention only, and not on natural law. This explains why laws relating to property are so divergent in different countries, and even in different provinces of the same country.¹⁴⁷ Mably is strong in

his condemnation of it: it is a Pandora box from which man's infinite ills have sprung. It is the principal source of all the evils which afflict humanity.¹⁴⁸ We have to-day ample opportunity of observing the tragic results of this institution, and it lies within us to combat the misfortunes which our forefathers could not have foreseen.

The reason why private property is such a menace is that it engenders avarice, vanity and ambition. These vices not only cause great misery to those who are ruled by them, but also to those who are the victims of their exercise. Where the institution of private property has been accepted, men are not so happy as where it has not been allowed to gain a footing. Avarice, vanity and ambition are also primarily the cause of wars and consequently of all the degradation and suffering which they carry with them. Property is thus a disintegrating factor in society, for it sets man against man and state against state.¹⁴⁹ It is at the root of the injustice which condemns and punishes as theft acts committed by the poor, which when carried out on a large scale by the rich and powerful are praised as conquests.¹⁵⁰ It is inevitable that with the establishment of private property should also arise inequalities in men's possessions. Man's vanity and greed give the rich a power over the less favoured, which their abilities and their services to the state by no means warrant. They destroy that good fellowship and spirit of emulation which is fostered by equality,¹⁵¹ and which is essential for the maintenance of human dignity.¹⁵²

The Physiocrats had justified the existence of private property by claiming it to be the incentive to work. Mably points out, however, that, though it may be a stimulus, it is not the only one; for it would be easy to indicate flourishing communities—monasteries, for instance—where individual property is unknown. The desire for glory and the esteem of our kind should be

incentives powerful enough to drive men to perform all the work that is necessary.¹⁵³

It may be urged that an equal distribution of property would suffice to preserve equality. But Mably disputes this, for even though it could be brought about it would inevitably be upset within a few decades. Differences in temperament, in ability, and, above all, in the numbers of children born to each property holder will account for this.¹⁵⁴ So long as the Spartans had no individual property right in the land they cultivated, they were a happy and a flourishing nation. The moment, however, that they claimed personal possession of their fields, corruption and decline set in. Mably maintains that it is useless to permit an evil in the hope of being able to restrain it within definite limits; for the moment it is admitted, nothing can prevent it from running its full course. However slight the inequality which is tolerated in society, it will result in the most disastrous evils.¹⁵⁵

The way now leads direct to communism, and Mably has no hesitation in extolling that state as the ideal one. The good things with which nature endowed the earth belonged to all men in common.¹⁵⁶ He believes that it was known among primitive men, and, although certain passages suggest that private property existed even before societies were formed,¹⁵⁶ yet as a rule he assumes that organized communism (which presupposes society) preceded property. His handling of this part of the subject is unsatisfactory and confused, and he even maintains that men worked in communistic groups before they united into society—a contradiction which Mably does not explain.¹⁵⁷

It is true that certain objections might be raised to communism, but they are insignificant when its benefits are weighed against them. The physiocratic criticism which asserts the destruction of productivity under such an organization is swept aside by Mably. He argues that, even were it true that productivity and

population were to decline with the institution of communism, its establishment would be highly desirable. The production of wealth is not the only factor to be considered, and, if it be true, as it manifestly is, that wealth beyond a certain level is detrimental to virtue and happiness, it is better not to possess it.¹⁵⁷

The Platonic scheme for communism would be doomed from the outset, because it was to be confined only to the philosopher and warrior classes. Vice would arise among the common citizens, and the rulers would be swept off their feet by the force of the evil ways of the majority. Lycurgus showed greater wisdom when he introduced communism into Sparta, and banished all forms of riches and luxury.¹⁵⁸ Happiness can only be truly sought under a system of communism; it is there alone that government can be depended on to function as it should, and where the interests of the community will not be sacrificed to those of a few individuals.¹⁵⁹

On the question of how best to organize communism, Mably is most disappointing. We are told scarcely anything about it. There is only a brief and unsatisfactory reference to it in *De la législation*, in which it is stated that, under it, men would do that type of work for which they are best suited; that their products would be gathered into common store houses; and that magistrates would distribute these products according to the needs of the recipients.¹⁶⁰ There is no attempt at any scheme by which these functions are to be carried out.

Mably recognizes the futility of attempting to get back to a communistic state, and it is doubtless on this account that he does not devote more time to sketching out a possible organization for it. He even despairs of erecting such a state on the banks of the Mississippi or Ohio, where he thinks Plato's republic might have had the greatest chance of success, among the Indians.¹⁶¹ It is quite impossible for us to return

to communism, and an attempt to do so would lead to even greater disorders than those from which we should be seeking to escape. The effort would be particularly hopeless since, however clearly we could demonstrate the benefits to be derived from the transition, men are too impervious to reason to be impressed by it.¹⁶² Mably is, therefore, driven, like D'Argenson, to the view that all that we are now able to do is to weaken the evils which arise out of private property. The steps which we should take must be dictated by expediency, and we should exercise the greatest care before we attempt to change the existing organization.¹⁶³ This does not mean that we must be content to leave things as they are. Far from it; there are certain fundamentals which cannot be disregarded with impunity; we can get more into line with natural conditions, and mitigate the evil consequences of our state of degradation.

Much can still be achieved. The first step must be to secure impartiality of laws; they must bring us as nearly as possible to equality. Without it, those in a subordinate position will not be interested in public welfare, whilst the more favoured will think first of their privileges. Citizens must be taught to be satisfied with modest fortunes, for the less they are occupied with accumulating wealth, the more will their thoughts be freed for the service of the state.¹⁶⁴ It is a plea for justice and equality. The juxtaposition of degraded poverty and prodigal riches spells national ruin. Such a condition is even disadvantageous economically; for the poor cannot contribute to the revenue while the rich find means of evading taxation. Unless the state adopts measures to promote a better equalization of wealth, all riches will continually pass into fewer hands, and the people will become degraded.¹⁶⁵ The state should place limits on the extent of fortunes and prevent its citizens from amassing them abroad. It is owing to the fact that Calvin omitted to take

this precaution that he failed to preserve to the Genevese their happy state of equality. The political equality which he established was destroyed by economic inequality. It was only his wise sumptuary laws which still maintained some semblance of tranquillity.¹⁶⁶ Mably agrees with the physiocrats that rich and poor are mutually postulated, but, he asks, "Why should I be content to see myself in the dull rôle of poor man, whilst others, I do not know why, play the important part of the rich?"¹⁶⁷ The greater the inequality in the distribution of wealth, the greater also will be the injustice with which laws are framed and administered, and men will ultimately become coarse, corrupt, biassed and incapable of clear reasoning.¹⁶⁸

Even though it be fatal to confiscate the property of the rich in order to make wealth more evenly distributed, it is nevertheless possible to bring about conditions in which a livelihood would be assured to all.¹⁶⁹ Mably suggests that the aristocracy should be prevented from obtaining possession of all the land in the country by allotting various tracts to the different orders, none of which should be allowed to acquire territory assigned to any of the others.¹⁷⁰ Moreover, it would be easy for the monarch to set the example of moderation, to make sumptuary and agrarian laws¹⁷¹ which would reduce cupidity and the desirability of riches.

Mably follows Montesquieu in holding that property is only a civil convention, and does not rest on natural law. The state has then the right to make rules to regulate it and to protect itself against its evils.¹⁷² For example, the law refuses a citizen the power to claim property which he has neglected for a certain number of years, as it is conducive to order and peace to give a superior title to the occupant who has remained unchallenged for a definite period.¹⁷³ In most European countries citizens are able to dispose of their property in their wills as they choose. It is an iniquitous practice ;

it was the cause of degeneracy in Greece and Rome. If heirs had a direct interest in their patrimonies, they would attempt to hinder them from being squandered. The custom of will making should be abolished in the interests of equalizing fortunes. The state should dispose of the wealth of the deceased, who should only be able to show some material recognition to the services of his domestics and so help the poorer classes. The degrees of relationship which should give the right of participation in an inheritance should be regulated and restricted. An only daughter should not be allowed to inherit more than one-third, the other two-thirds being shared by two adopted brothers chosen from poor families. The property of a man without heirs should be distributed among the poor families of his district. This would have the additional advantage of accustoming the rich to look upon the poor as their children, their brothers and their heirs. Agrarian laws should also limit estates and so prevent the division of society into patricians and plebeians. It might be objected that a system of small holdings would result in a lessening of production, but this cannot be substantiated, and proprietors take far more care if they are compelled to work their land themselves. Experience shows that large estates often become neglected to the point of sterility.¹⁷⁴

The government could itself set a good example in modesty by the reduction of its expenditure. Rulers should not keep up large establishments and should have no greater needs than those of the rest of the citizens. All pomp should be abolished, and high officials, including the king, should live as simply as their social inferiors. State finance, in fact, needs thorough revision. Thus, England is burdened with taxation on account of an insane desire to keep the balance of power in Europe; this policy of meddling in the affairs of other nations is futile because it cannot bring happiness to Englishmen. State loans should

be discouraged: in cases of emergency citizens should be patriotic enough to lend without interest. Another source of national expense is the wrong-headed custom of paying officials for their services. Those who hold public office should deem the honour sufficient recompense. Payment of high officials leads to corruption and intrigue and is the cause of the lamentable lack of patriotism in Europe. Even the smallest salary is bad. Mably holds, on the other hand, that riches should not be a title to office, but only probity and ability. The two demands—that high office should be open to the impecunious, and that such services, which must absorb the whole time of the functionary, should be quite honorary—are incompatible with one another; but no explanation is offered by Mably.

He does not enter into the possibility of bringing about a re-distribution of wealth by the modern device of taxation for the purpose of providing the poorer classes with amenities. He maintains that taxes to provide for the needs of the state should be imposed on land only, not for the reasons given by the Physiocrats, namely, that eventually all taxes fall on land, nor because such taxes are the easiest to bear, but because it is unfair that those who are landless and who have only their labour to sell should pay for the protection of that which does not belong to them. Direct taxes on land—and it should be an inviolable law that there are to be no others—will continually make rulers and citizens aware of their mutual inter-dependence.¹⁷⁵ There is here no true theory of state finance; Mably is really only interested in moral well-being, and touches on the subject merely where it appears to him to have obvious and immediate contact with it.

Since the modern state rests on private property, it must be respected. The state can, as has been seen, lay down the conditions on which it may be held, and must take all necessary precautions to safeguard itself and its poorer citizens against the attacks of wealth.^{176a}

Not only would Mably look with disfavour on any attempt at confiscation of property for the attainment of his ideal, but he would deprecate the abolition of class distinctions as highly inexpedient. He demands a strict adherence to social etiquette and correct respect of superiors. The privileges of class must, however, not free men from duties or enforce degradation. The mere recognition that others belong to a socially higher plane need have no degrading effect. What can and must be aimed at is the recognition that neither birth, title nor privilege may free men from civic duties, and that the quality of citizenship is to be respected even in the least in the state.¹⁷⁶ Citizens should have the rights and privileges attributed to the particular order to which they belong. Everyone should belong to one or other of them. These orders should be on an equality among themselves, and should be as numerous as possible, so that the differences in wealth and status which separate them may be reduced to a minimum. If these orders were abolished the state would consist of a chaotic mass of citizens, evincing no condition of homogeneity and divided against itself. Mably suggests that the commons in England and the nobility in France should be split up into four or five separate classes. The advantage of this is that it would bring about a further subdivision of the authority in the state. Thus, lawyers might comprise one class, and professions "useful to the state" another, but on no account should the military constitute an order. Were the army to form an order in the legislature, it would sooner or later intimidate the others and tyranny would ensue.¹⁷⁷ Since no citizen should be excluded from participation in the affairs of the country, the only possible solution is for the army not to constitute a separate profession; all men should receive military training and defend their country when called upon to do so.¹⁷⁸ He suggests that the French "ennoblés" should constitute an order, and so avert friction caused by the contempt shown for them by

the old aristocracy.¹⁷⁹ It must be noted that Mably considerably modifies his statement that all members of society should find a place in one or other of the orders. Not only are malefactors to be omitted, but also "the multitude—the dregs of the people", whom one must despise. These people, habituated as they are to servility, are not entitled to any share in the government of their country, since they are not fitted for it.¹⁸⁰ The attempt must be made to educate and to raise them out of their degradation, but until they are worthy of it themselves, their political interests should be managed by their social superiors.

The relationship between the orders is left vague. Although he believes that equality can be maintained by keeping them on an equal footing, Mably fails to explain what he really means by that. His reference to the English legislature, with regard to which he suggests that the commons might be split into four or five different orders, would lead one to infer that this equality is to find expression in the division of the legislature into as many different houses, each with a right of veto. But there is no confirmation of this view, and one is tempted to conclude that Mably had himself no clear conception of the matter. Force is lent to this by his recognition in *De l'étude de la politique* of the dangers of social classes. He there maintains that those who wish to govern well must detach themselves from the prejudices born of class distinctions. The division of citizens into orders is fatal to the state, for its interests become subordinated to the particular interests of each order.¹⁸¹

It is our upbringing which induces the belief that Providence has made different classes of men.¹⁸² So much has their natural equality become obscured that even were a return to it made possible, both rich and poor alike would resist such a reversion. Even were it proved to the exalted that their happiness depended on the change, they would "sacrifice everything to the

preservation of a dignity with which they are often wearied, and which they nevertheless always wish to enhance". Men are vain and avaricious, and continually strive to increase their wealth and advance their status. They have an amazing reverence and respect for those above them and would feel unhappy and embarrassed were they suddenly put on an equal footing with them. Even those who pride themselves on a superiority of intellect manifest extraordinary awe and servility in the presence of their social superiors. The common people themselves may often show insolence, but they have no feeling for equality.¹⁸³

CHAPTER VII

RICHES AND LUXURY

So impressed is Mably by the grave menace which riches and luxury hold for the individual and for society that the general tenor of his writings is an exhortation to return to the simple life. "Men are made rather to resist adversity than prosperity."¹⁸⁴ Happiness is a state of mind, and so can flourish in poor surroundings. In fact, it is only by freeing ourselves from external objects, the desire for which becomes an obsession, that our thoughts may be kept unfettered, our untrammelled reason is enabled to act, and we have the greatest chance of becoming virtuous and just.¹⁸⁵ Were men to live simple, frugal and strenuous lives and not indulge in a high specialization of function they would be better able to develop the virtues, and the state would be more stable and better administered.¹⁸⁶

The state should, therefore, endeavour as much as possible to prevent the growth of wealth and of luxury. The latter are a potent cause of avarice and ambition and are highly dangerous. Luxury is incompatible with morality.¹⁸⁷ Unfortunately it is generally rulers, that is to say, the very people who should set a good example, who are most guilty of pomp and extravagance. The latter are often justified on the grounds that they bring employment to the poor, but the argument is fallacious, for extreme luxury at court goes hand in hand with poverty and degradation among the people. It is even dangerous for the state to accumulate a treasure for future use, for it will tempt the cupidity of those in charge of it.¹⁸⁸

It is a mistake for a government to encourage the growth of wealth which finds its expression in luxury. It is the property of the latter to impoverish those who indulge in it, for it leads them to exceed their means.¹⁸⁹ Spain, and Sparta after the battle of Plataea, amply prove the ruinous influence of wealth.¹⁹⁰ It throws the state into a condition of servitude by reducing the citizens to mercenaries in their occupations, thinking only of personal gain and ignoring the interests of their country. Luxury softens the courage of men, debases artisans by diverting them from necessary pursuits, depopulates the country-side and fills the army with men drawn from the dregs of society who are quite incapable of defending their country.¹⁹¹

The most efficacious method of opposing the rise of luxury is the institution of sumptuary laws. They should relate to everything. They would even be welcome to the rich, who find themselves embarrassed by the standards they are expected to act up to.¹⁹² The fine arts should be suppressed, not only because they are the outcome of luxury, but also because they have a degenerating influence. Nor do their evil consequences cease there; for once they are cherished, men will be esteemed and will rise to political power, not on account of their wisdom and integrity, but because of their proficiency in making themselves popular by polish, graces and flattery. High office should be the reward of virtue and ability, and should thus be accessible to the poor as well as to the rich.¹⁹³

An immediate source of riches and luxury is foreign trade, which is carried on, not for obtaining necessary commodities, but for selfish reasons. Merchants have no country and only think of personal gain. The spirit of commerce is, therefore, contrary to all good government.¹⁹⁴ The moment foreign trade is carried on for the production of riches, it becomes pernicious and should be rigorously suppressed. Men should be taught to be satisfied with little.¹⁹⁵ Cantillon showed uncommon

insight when he demonstrated how a country's policy of amassing wealth results in continuous successions of prosperity and poverty.¹⁹⁶ But it is to be noted that Mably makes the mercantilist error of confusing money and bullion with wealth.¹⁹⁷ Not only does foreign trade bring with it corruption through the wealth which it engenders, but it also is the channel through which the vices of foreigners enter the state. He systematically condemns it on moral grounds. Economic speculation is, therefore, almost entirely lacking in his works, since it has little interest for him. He has in consequence no patience with the *économistes* whom he accuses of taking too narrow a view of society, which has other interests besides commerce.¹⁹⁸ At times he would entirely prohibit foreign trade which is always pernicious,¹⁹⁹ but at others he is willing to make concessions in the case of necessities.²⁰⁰

It is often asserted that a nation must accumulate wealth in order to enable it to be victorious in war. But the argument is fallacious. War is always a burden even if successful, for the tribute which can be extorted from the vanquished never covers the expenses of war.²⁰¹ A rich country, on the other hand, is continually menaced by invasion, and must eventually succumb, as did Carthage, for even the best governed state has its moments of weakness, languor or distraction, and is liable to be conquered by even an apparently insignificant enemy.²⁰²

The ideal to be aimed at is a condition which is neither that of abject poverty nor of extreme riches. Poverty cannot be overcome by charitable gifts of the rich¹⁹³ and it should be abolished, for it is in the state of mediocrity that virtue and happiness have the highest probability of flourishing.²⁰³

CHAPTER VIII

RELIGION—TOLERATION

Mably's assumption that man acts only out of selfish interests leads him to the conclusion that religion is essential to the state. If the fear of pain alone can prevent man from living an immoral life, he will always break the law should he find it to his advantage to do so, provided that he can feel tolerably sure of escaping its vigilance. To set up a religion with its threat of punishment of evil-doers in the world to come is, therefore, a social necessity. Atheism is an abomination ; it is antisocial, for it rots the fabric of the state. Even Brahmanism or Mahomedanism are preferable, for they at least impose moral sanctions.²⁰⁴ Mably draws a picture of what would happen were a prince to hand one of his provinces over to atheists ; the result would be chaos, selfishness, corruption and wickedness, and the agony of the citizens would drive them to the admission that there must be a God. Atheism would prove worse than war, pestilence and famine. It may be argued that it would suffice for the civil authorities to undertake the punishment of all transgressions. But, apart from the fact that human magistrates are unable to peer into the hearts of men, their endeavour to do so would establish an inquisitorial system which would end in tyranny. Men must in consequence be impressed with the knowledge that their every act and thought is being watched by an omniscient Being who will some day mete out justice. It is true that men are carried away by their momentary enthusiasms and forget divine justice ; but they come to their

senses sooner or later, and, unless their breach of moral law has become habitual, they will be tormented by remorse which will make them hesitate before repeating their offence.²⁰⁵

Not only is a belief in God necessary for moral reasons, it also enables the human mind, restricted in its scope, to fill in the sphere into which reason cannot penetrate.²⁰⁶

Unfortunately for Mably's argument, he perceives that "the sentiment of fear is not the only one which Nature has given us to make us disciplinable".²⁰⁷ He makes this assertion, however, in connection with excessive criminal punishment, and his unswerving attitude in religious matters is that a belief in a life hereafter in which our actions are rewarded or punished is of incalculable value. But although this makes men easier to govern, it is pernicious to suppose that God and the hereafter are political inventions.²⁰⁸

It is not easy to determine from his writings what actually were Mably's tenets. He has been accused of atheism, but such an assertion cannot be substantiated.²⁰⁹ It is certain that he inclined to a very simple and austere form of worship, and would doubtless have been willing to abolish, as far as he himself was concerned, all ceremonial. He strongly advocates keeping to a simple catechism.²¹⁰ Deism is desirable in theory, but it is too abstract and intangible to have a hold on the majority of people. His contempt for them leads him to acknowledge the value of outward show, for it must always be borne in mind that religion is not only a theory of life but is necessary for the very existence of society. Symbolism and ceremonial fulfils the object of continually reminding the ordinary citizen of his moral purpose. He consequently suggests that the newly constituted United States of America should have periodic national ceremonies, preceded by solemnities, fasts and prayers.²¹¹

Great care must be exercised, however, lest ceremony

should deteriorate into superstition. Not only is it an evil in itself, but superstition lays the way open to an assumption of civil power by the priesthood, which will end in tyranny. The Roman church is to be condemned on both these counts. Sacerdotalism destroys true religious spirit.²¹² Thus God is infinitely good, and yet we act as though He were evil ; although God suffers heretics to exist, yet we persecute them ; the Inquisition was nothing less than a butchery. God is infinitely wise, yet we treat Him as an imbecile who is swayed by every wind. We act as though He judged by external show and not by the inward heart, and as though He could be deceived by sophisms and casuistry. He is infinitely just, and yet we hope to corrupt Him with presents of which He has no need. God is omnipotent, and yet we treat Him as though He were not master in His own house. With indulgences and jubilees we would force Him to abrogate the punishments which His justice has inflicted ; and we would oblige Him to chastise an honest man whom an unjust excommunication has not prevented from doing his duty. In short, we treat Him as though He were one of our petty-minded monarchs, surrounded by a flattering court. The consequence is a degeneration of all virtue.²¹³

It is evident that we have duties to God ; but it is as evident that we also owe something to our neighbours and to ourselves. The question then arises as to how we are to correlate these duties so as to harmonize their expression. If we assert that our predominant duty is to God, we run the risk of becoming the victims of our religious doctrine, which may be false. It has actually happened that the highest value has been given to ceremonies in themselves, although they are nothing more than reminders. Erring mortals have pretended to a knowledge of God's designs, and, by conceiving of Him as anthropomorphic, imbued with human weaknesses, have brought about the most atrocious injustice. Sacrifice is often considered sufficient for

turning aside the wrath of God, and morality is thereby undermined. Some philosophers, for instance Malebranche, have taught that we should despise humanitarian sentiments, and be hard on ourselves and useless to others. Since men are the work of God it is logical that religion which does not consider the nature of man cannot be adequate. Ethics, and therefore religious duty, begins with human nature, and so it is absurd to think of religion as not envisaging human happiness, whether this be sought for oneself or for others. "The best way of meriting the favour of heaven is to be useful to men." The first rules of ethics are, in short, to be discovered within ourselves, and cannot be found externally.²¹⁴

Religion must be sharply distinguished from superstition. But what is to guide us in our choice? As Locke and Tolland maintained, nothing in religion should be opposed to reason. Since natural law is the will of God, revelation can never run counter to it. It is true that the human mind is limited and that there is an immense field into which it cannot penetrate, and it is there that revelation helps us. Nevertheless, before receiving acceptance, all supposed revelation must be submitted to the test of reason, for as God's system is a logical whole nothing which stands in opposition to reason can be of God. In consequence the domain of revelation is that where reason cannot enter.²¹⁵ Here Mably is in a difficulty; he is anxious to deprive the priesthood of all power, yet he feels forced to admit that it is through its medium that revelation must come. Priests are human and can err, both deliberately and unintentionally. Their revelations, just as their teachings generally, must be carefully scrutinized, and should only be accepted if they do not violate either logic or the dictates of humanity.²¹⁶ Although it is a fact that priests have erred, we should not condemn them too severely; it was mainly the fault of rulers who endowed them with temporal power which degraded

their spiritual mission, and we should all probably have acted as they have done.²¹⁷

Mably takes the case of pilgrimages as an example of religious degeneration. They had their origin in a praiseworthy desire to visit the tombs of great men in a spirit of emulation. Later these pilgrimages were looked upon as a pious duty, bringing with them remission of sins. To make them more attractive, priests invented legends of miracles and thus endeavoured to prop up religion by means of falsehood. The folly of the Crusades was a logical outcome of this process.²¹⁸

Superstition is a trait so deeply imbedded in human nature that nothing can eradicate it. It, therefore, becomes the more necessary to keep the church in control. It is easy to see how superstition became mixed up with religion ; but every effort must be made to render it harmless.

Primitive man endeavoured to explain natural phenomena by associating them with deities. These deities were anthropomorphic and endowed with our passions. Hence, as superstition arose from a desire for knowledge, we must not too severely criticize our ancestors. They could not have reasoned otherwise than they did in their stage of development.²¹⁹ Superstition remains with us, and however well science and reason may show us the fallacies of superstitious beliefs, we fail to discard them. We are tied to them by hope and fear. Human nature would have to undergo a complete change before they could be exterminated. It is, therefore, the work of the government to diminish the ill effects of what it cannot sweep away.²²⁰

“Ecclesiastics are enemies of liberty”, for they find that it is much more easy to gain their ends if they have only to manipulate one individual, that is to say the monarch, than if a whole people has to be dealt with. Their power should, therefore, be minimized and the church separated from the state.²²¹ It is a mistake to grant the clergy temporal power ; but

should it ever be found desirable to do so, for instance when priests receive judicial functions, it should be clearly understood that those functions are delegated to them by the state, which can also remove them. The clergy may be supreme in matters of revelation, but they are fallible in almost everything else. The wielding of temporal power by the church ends in tyranny, maladministration and immorality, even when it acts in good faith. Out of a zeal for the safety of men's souls the church will endeavour to force them to find salvation after its own conception of it; it will persecute on the one hand, and reward supporters, who may be hypocrites for the sake of gain, on the other, and it will even close its eyes to the misdeed of its adherents in order to retain them. The result is the degeneration of morals. Nor is this all, for in taking an interest in politics priests will cease to be theologians, will cease to respect their religion, and so remove the curb which it should have on the immorality of the people. Finally religion will develop into superstition, and those who protest against the situation will be punished for impiety.²²²

Papal infallibility is an absurdity.²²³ Mably strongly approves of the proceedings at the Councils of Constance and Bâle, and regrets that their ordinances became a dead letter. The Pope is only the first among the bishops over whom he has no right of despotic power. Mably is, in consequence, an upholder of the Gallican liberties.²²⁴ In particular he condemns the right of the Pope to absolve from oaths, for not only does the knowledge that there is a chance of evading one's responsibilities undermine the sanctity of contracts but there is the grave danger that the Pope will abuse his power.²²⁵

In attempting to carry out reforms in the church one must act with extreme caution. Care should be taken to distinguish between preacher and doctrine. Luther and Calvin were right in wishing to purge the

church of her abuses; but they were over zealous, and only succeeded in rousing the animosity of the priests. Had they limited themselves to pointing out the abuses they saw, the Holy See would have been inclined to recognize the reasonableness of their demands instead of defending the abuses.²²⁶

It is the keen dread of civil disturbance that governs Mably's views on religious toleration. He is anxious for men to follow the dictates of conscience, for that is of prime moral importance. At the same time he sees that if this were permitted it must envisage ultimate anarchy and the consequent ruin of the state. There must, in consequence, be a point beyond which the state cannot afford to sanction the freedom of conscience. All existing religions must be permitted the exercise of their ritual, but the government must take precautions to prevent the introduction of new ones. An attempt to put down a sect will end in failure; for persecution will make men cling more firmly to their beliefs, and will arouse the pity and sympathy of others. Left to itself, a false doctrine will die of its own error. It is a mistake to make martyrs. If through persecution men adopt a faith contrary to their conscience, the very spirit of religion is killed thereby. It is a far cry from religious to civil and political intolerance; and it does not follow that because members of one church cannot find a place in the congregation of another they should also be deprived of civil rights. God alone knows how to deal with heretics, and it is the duty of the civil authority to follow God's example in tolerating them. The church has only the right to show men the way to heaven; the legislator has, on the other hand, to ensure peace, tranquillity and happiness, and he might ask the church whether he is "armed with the sword in order to punish citizens who fulfil all the duties which the country requires of them, and who practise the religion which they believe to be most agreeable to God".²²⁷ Persecution causes religion

to degenerate into fanaticism ; it is fatal to oppose laws human and divine to one another.²²⁸ Mably is insistent on the futility and bad policy of attempting to put down Protestantism in France. If Protestantism is feared by the government it could not be given too free a hand, for oppression drives it underground and makes it really dangerous.^{228^a} In fact, Christianity is a religion of "peace and charity, which by its nature detests persecution and fanaticism".²²⁹

As has already been suggested, toleration can go too far ; this arises from the fact that the safety of the state is of prime importance, and what threatens it must be suppressed. It follows that "boundless toleration is not made for men".²³⁰ New sects should not be permitted to arise, for there is always the danger that ambitious men will, by their aid, attempt to gain power.²³¹ Religion has so strong a hold on the minds of citizens that the state cannot afford to ignore this fact ; it must consequently concern itself with religion.²³²

As it does not suffice merely to promulgate laws to ensure obedience to them, and tribunals are needed in order continually to remind men of their duty, so in matters of duty to God, it is insufficient only to tell people what the true faith is. We also need a national church with its priests and ceremonies. This cult should be the ally of reason in ensuring the fulfilment of law.²³³ In view of the low moral level of humanity it is dangerous to undermine this national religion, for it alone with most men is the guarantee of their obedience. Deists and other sacrilegious people should be punished as dangerous to the state ; but they should be reasoned with in order to convince them of their error. A first offence may be met by a few months' imprisonment. Even if the culprit cannot be convinced of his error, it would be unwise to attempt to demand from him more than an external compliance with the prescriptions of the law. Conscience cannot be tampered with with impunity ; and it cannot harm the offender if he com-

promises in externals for the safety of the realm. A relapse must be punished with two or three years' imprisonment ; and if, after that, he has still the same thirst for notoriety or martyrdom, he must be treated as an atheist. He must be separated from the society whose existence he endangers. Mably disapproves of Plato's and Cicero's extreme penalty of death, and thinks that the correct sentence is imprisonment for life. Christianity demands mercy.²³⁴

CHAPTER IX

LIBERTY

The preservation to man of his liberty was, in Mably's opinion, an essential condition for his moral development. Without it—that is to say, liberty in the peculiar sense in which Mably understood it—man is only a passive instrument, his will being determined by external factors, or by his instincts alone.²³⁵ Liberty was the foundation of Roman greatness. It tends to broaden the mind and to bring it into line with the intentions of nature.²³⁶ In his first editions of *Le droit public de l'Europe* Mably upholds negro slavery as being necessary for the development of undercultivated lands. But in subsequent editions he makes full retraction of this view, and decides that it is not only contrary to nature, but that, in fact, it is only wise laws which, by making men happy, will increase the population and thus supply the requisite labour power. He sees that it is need which makes slaves who are in fact worse off than those who have the legal status of slaves, since they have no masters who are compelled to provide for their physical wants. It is absurd to maintain that those who are driven by want to serve others are not virtually slaves. To them freedom is a mockery.²³⁷

Mably constantly reiterates that a free people, loving its liberty and its country, is capable of any great achievement.²³⁸ The fear instilled by tyranny has the fatal effect of making men stupid and morally degraded. It deprives them of patriotic sentiment.

Men accustomed to oppression are unable to recognize the great models of antiquity, and are in consequence themselves prevented from rising to great heights.²³⁹

In their original natural condition men were free, and Mably attributes their enslavement to the establishment of private property.²⁴⁰ There are to-day immense difficulties in the way of a re-establishment of liberty, and of maintaining it once it has been reinstated. For it to be made possible, the people must be prepared for its reception. On the other hand, freedom makes men more courageous and enterprising; their violence, however, jeopardizes the stability of the state.²⁴¹ Virtue is essential for the maintenance of liberty, for without it liberty degenerates into licence, which is the forerunner of despotism, or of subservience to a foreign power. When Montesquieu states that honour is the essential characteristic of monarchy, he must have meant virtue if the statement is to have any meaning at all.²⁴²

To Mably liberty meant a condition neither of independence nor of licence. Independence cannot exist in a society, and is renounced on its formation. It exists where men are not required to justify their actions to anyone; in society, however, they can no longer act according to conscience alone, but must conform to the rules which are laid down for the benefit of the community.

Society postulates duties as well as rights; for men are interdependent and are compelled to be interested in one another's welfare.²⁴³ It follows that liberty must be coupled with obedience to law. It is the disregard of the latter which can bring about the ruin of the state; contemporary Poland and ancient Greece furnish instances of this.²⁴⁴

It is, nevertheless, unwise to demand slavish obedience to laws, and internal tranquillity can be purchased too dearly. It was, in fact, just on account of internal dissensions that liberty and equality emerged in the

Roman republic. Repose is the enemy of liberty, and citizens should actively criticize their rulers. Nothing is too insignificant for consideration, for arbitrary power arises out of a neglect of trifles.²⁴⁵

This keen vigilance must, however, not only be centred on the government of a country, but must take cognisance of particular events. Solon struck the keynote when he averred that every citizen must regard the injury done to his fellow as his own, and clamour for redress with the same warmth.²⁴⁶

A careful watch must be kept lest the pretext for sweeping away abuses should lead to the establishment of despotic rule. This applies particularly when the army is used for the vindication of rights. The case of Cromwell illustrates how a military despotism easily follows on the use of the army for the establishment of liberty.²⁴⁷

In a despotic country like eighteenth-century France, it is in the interests of each citizen to resist the abolition of all privileges and prerogatives possessed by any class in the community. It is true that in a free country all should contribute to its upkeep; in a despotism, however, the destruction of immunities would not benefit the rest of the population, and would only remove reminders of a liberty which once belonged to all. Reforms which are suggested by a despotic government are suspect for, whilst pretending to do good, it endeavours the more firmly to fix the yoke on its subjects. To abolish the fiscal immunities of clergy and nobility in France would only be a snare.²⁴⁸ It is just these privileges, remnants of ancient liberty, which must be preserved at all costs. They form the starting point for the redemption of liberties which have been lost until full freedom is regained.²⁴⁹ This must be taken in conjunction with the exhortation to merge one's interest in the general interest. Privileged corporations will not be able to make an effective stand against the encroachments of arbitrary government,

if they take up a selfish attitude and only fight for themselves.²⁵⁰

Mably insists that blind obedience is a proof that "the stupid citizen is indifferent alike to good and evil".²⁵¹ It is true that citizens must be trained to love their government in order that they may be inspired with obedience, but this love must not be blind and superstitious, making men unable to perceive defects.²⁵² So long as they cannot conceive of anything better than the system of laws actually in force men owe obedience. But the moment they perceive defects, and can suggest improvements, it is their duty to agitate for reform.²⁵³ Governments and laws must then be under continual scrutiny, and it is the duty of each citizen to point out where improvements can be made.²⁵⁴ This duty to reform does not belong to all within the state. Wage-earners, who cannot be expected to possess a free will, either on account of servile occupation or lack of education, should be excluded, as also the feeble-minded.²⁵⁵

We come to the difficult problem of the right of the citizen to protest against the abuses of his government. Its justification is to be sought in man's innate desire for happiness, in his original liberty and in his reason.²⁵⁶ There are certain rights pertaining to man which he can never relinquish; without them he would cease to be human and society itself would be stultified. Thus, self-defence (which includes theft in the face of starvation) in the absence of legal protection is an example of such rights. They exist apart from the laws of the land, which need not expressly guarantee them. Their violation gives the citizens the right to enforce them.²⁵⁷ It is in fact futile to attempt to adduce natural rights from an examination of the constitutions of nations.²⁵⁸ Every man has a duty to remain human and to resist being reduced to the level of brutes by despotism.²⁵⁹

The first necessity is, as has already been mentioned,

that the people should be enlightened and rendered capable of using their reasoning faculty. Education should be "public and general".²⁶⁰ Until citizens are properly educated it is dangerous to allow a free press, just as it is dangerous to establish extreme religious toleration.²⁶¹ It is true that freedom of thought cannot flourish where there is a censored press; but it would only be safe to grant free discussion to the *savants*, for their errors would not be serious and would only serve to stimulate the intellect. Thus it was unwise to allow the citizens of the newly constituted United States free political expression; they were still too much imbued with the false doctrines of the Old World.²⁶² All publications should bear the names of their authors, for all offences against morality should be punished. A writer who withholds his name thereby confesses that he was conscious of his guilt, and should in consequence be treated with special rigour. Offenders should be punished by a temporary deprivation of citizen rights.²⁶³

A citizen who proposes reforms should not for that reason be regarded as a traitor or conspirator. In a monarchy the popular assembly should be able to make representations to the king, frankly and with impunity.²⁶⁴

Unjust laws are in reality no laws; they cannot compel. But that does not mean that where laws are framed with reasonable care and honesty, those who doubt the justice of a certain law have the right to ignore it. They owe it temporary obedience, but should agitate for its abolition. But where the laws are passed without the care that would ensure their wisdom and honesty, for instance in city states where mob rule operates, citizens are bound by no moral ties to obey.²⁶⁵

Addressing the French, Mably writes: "Choose between a revolution or slavery; there is no middle course."²⁶⁶ He warns us, however, that such a revolution

must be carried through with prudence and method, albeit with courage, and a respect for law must never be allowed to dwindle. It is true that civil war is to be deplored, but it is the lesser of the two evils if the alternative is for the state to rot under despotism.²⁶⁷ A successful revolution must be well thought out, well conducted and long prepared. A people may be goaded into revolt, but it will generally be found that, after the rising has subsided, conditions will return much to what they were before the disturbance. Men are essentially creatures of habit and will fall back into their accustomed ways.²⁶⁸

There is no danger of an uprising of the people in any but the worst governed countries. The populace only murmurs when driven to extremes, and is only too content to be left alone. Were the French aristocracy to refrain from avarice, pride and insolence, the people would be content to remain in the condition in which fortune has placed them. In his criticism of Philip the Fair, Mably maintains that a despot can sit with security on the throne if he will only let reason and justice dictate his laws.²⁶⁹

When a people is driven to resort to arms in order to free itself from oppression, it is the special circumstances attending the rising and its final victory which will determine the particular reforms which can be carried and the peculiar constitution which can be set up. It is quite impossible to lay down any particular rules applicable to all cases. The danger which must be carefully guarded against is that of turning into general maxims those which are deduced from successes, and which would only apply in particular cases. Nor should the laws which are framed after the completion of the revolution be considered as anything but temporary. It is to later experience that they must submit in order to establish their validity.²⁷⁰

Mably touches on the chances which a French province may have to detach itself from the rest of the

monarchy, and thus to secure an easier road to freedom. He believes that they are slender in the extreme, particularly if the rest of the country remains faithful to the government. He sees very little hope, even though a favourable moment were seized, such as when the government is engaged in foreign wars, or when finances are particularly bad, or the administration weak. No hope should be entertained of foreign help. The rising would only be a mutiny, for the people will soon tire of their enterprise unless fired by a deep longing for liberty and a firm love of law. Good principles are too rare among the French, and they have become debased. An unsuccessful uprising would inevitably lead to increased oppression.²⁷¹

CHAPTER X

LAW

Mably has many references to law, both as regards its basis and creation and as regards its administration. Nevertheless, no systematic treatment of the subject is forthcoming, and the passages dealing with the subject are evidently prompted by the intolerable evils of the French judicial system of his day.

The basis of all law should be natural law, as discovered and interpreted by reason.²⁷² If all men were rational no municipal laws would be needed, for everybody would know and do what is right. But as men are "children on account of the feebleness of their reason and the power of their passions, and consequently always ready to go astray", they need laws, which must be given them by their intellectual and moral superiors.²⁷³ Government must not be arbitrary, for it must follow the prescriptions of immutable nature; hence all laws must have an organic connection with one another, and must all tend to the same end—human happiness.²⁷⁴ Rulers are, in consequence, functionaries; the law is their superior, and it is their duty to carry out its provisions. This was recognized by wise monarchs such as Nerva, Trajan, Antoninus, and Marcus Aurelius.²⁷⁵

No sanctity attaches even to the most important laws of the state, and they may be changed by the legislator. This is of vital importance, for not only may old laws be found to have been based on insufficient knowledge, and their effect consequently miscalculated, but ideas and circumstances may alter, and render old laws obsolete.²⁷⁶

The ancient system of taking custom as the embodiment of law, with the king or the king's courts as their interpreters in the event of conflict, appeared to Mably entirely unsatisfactory. This system leaves too much to chance and the caprice of the administrator, and places justice on too precarious a footing.²⁷⁶ Justice is postulated by society, and it was in order to escape from the unbearable anarchy and chaos which existed before men lived in organized communities that the latter were created. Injustice simply throws men back again into the insufferable condition from which society was to rescue them.²⁷⁷

Impartiality is the first essential of justice.²⁷⁸ How is it to be attained? It can prevail only where there are no class distinctions, and where men are not divided by large differences in wealth. Mably saw like Rousseau that it demands social and economic equality.²⁷⁹ Those situated in a socially or economically advantageous position will seek to turn the scales of justice in their favour. Even though it may be impossible to bring about equality, it is essential to endeavour to counteract the injustice of inequality, otherwise the resultant discontent will undermine the stability of the realm. Mably prophesies the negation of man's equality and inalienable rights, so proudly laid down in the American constitutions, by the plutocracy which he saw would develop within two or three generations ²⁸⁰.

The fact that the laws of the state should be a reflection of natural law does not mean that a perfect legal system could be evolved theoretically and work smoothly. It would be doomed to failure, not only if the government is unequal to the task of enforcing it, but also if the people are unable to comprehend or unwilling to accept it. Laws must consequently correspond to the spirit and the stage of development of the people for whom they are made, otherwise they will not receive adequate support.²⁸¹ The only means of securing this is to charge those for whom the laws

are destined with the framing of them. Nothing is so much opposed to the well-being of society as to have in authority those who have not been placed there by the people, to whom they are answerable.²⁸² The promises, charters, diplomas, treaties and oaths of irresponsible rulers are entirely untrustworthy, and "there is no enslaved people which has not in its archives the finest titles in the world for the insurance of its liberty".²⁸³

Mably is appalled by the immense number of laws in force in his time; a few should suffice.²⁸⁴ The danger of their multiplication lies in the confusion which is sure to arise. With few laws, little study would be needed in order to make a good judge.²⁸⁵ Before the passage of a law care should be taken to ascertain whether it be really needed; for though in itself it may seem harmless enough, it will lessen the respect for law if it is unnecessary.²⁸⁶

Clarity in the law is essential to liberty. This is so important that Mably is actually prepared to set aside his objection to the executive having legislative power, in the case of a new remodelled state, such as Poland; there the executive should be given the power to rectify ambiguous laws, and even, where necessary, to fill in gaps. This is, of course, only an exceptional expedient, and is the lesser of two evils; it is for the legislature to legalize the step at its earliest opportunity.²⁸⁷ It is quite definite that judges should not have the power to decide on doubtful laws. It would lead to the tyranny of the courts. Should a judge consider any law equivocal or harsh, it is his duty to make representations to the legislature, but until it is changed he must enforce the law as it stands.²⁸⁸ This opinion, which is the one generally held by Mably, stands in strange contrast to a passage in *de la législation*, where he writes: "Let the judge undertake on oath never to give judgment on the basis of a law which he deems unjust".²⁸⁹

Laws should always be framed with the intention of having them strictly enforced; to act otherwise is ridiculous and dangerous. The anti-Protestant laws of Louis XIV and XV, for instance, erred in this respect, for they had frequently to be softened in their application and were at times not enforced at all. If laws are too rigorous they excite pity for the culprit and indignation against the magistrature; obedience will only be reluctant. Harsh laws necessitate frequent pardons, and it is the latter which "shake the empire of law", for the hope of pardon tends to give criminals a sense of impunity.²⁹⁰ Fear is in fact not the only sentiment which legislators can play on to ensure obedience; the use of it alone is a sign that the laws are extremely vicious, and should be corrected without delay. It is not necessary for the legislator to assume a menacing tone, and exhortation may at times be adequate. The aim should be to prevent rather than punish crime.²⁹¹

In spite of the wisdom of leniency, it is sometimes advisable to resort to capital punishment when that is the only means by which certain crimes can be prevented. Punishment by death is in conformity with natural law, for the right of protection which exists in the state of nature is confided to the magistrates.²⁹² Only murder and high treason require this sentence. Murder is deserving of death because it is illogical that the fate of an honest man—he who has lost the greatest of human goods by being murdered—should be worse than that of the criminal. Mably is careful to explain that high treason consists either in an attempt to establish arbitrary government, or to bring the country under the yoke of a foreign power. A citizen who has the courage not to flatter his country, and desires changes which "will make it happier", is not guilty of treason.²⁹³

A good administration of justice is essential to the life of the state, for it alone can maintain "between the citizens peace, unity and concord".²⁹⁴ It would be greatly assisted if the object of the laws which the

citizen is called upon to obey is made clear to him. Preambles should appeal to men's reason and so dispose them to obedience. In time, these preambles would constitute a complete treatise on natural and municipal law.²⁹⁵

On the period of office of judges Mably says little. He criticizes the life tenure, subject to their good behaviour, of the American high court judges. He sees an evil in the stimulus given to intrigues when those who aspire to high office see the hopes of attaining their ambition made too distant. Should these intrigues be successful, probity would cease, and soon the courts would become suspect and lose their authority. He adds that his fears in this direction may be exaggerated by his zeal for the welfare of the young republic.²⁹⁶ Annual election of judges is recommended to the Poles.²⁹⁷

Mably also says little on the subject of recruitment. Speaking of the corrupt state of the French clergy in the Middle Ages, arising from their possession of temporal power, he mentions that it is of little consequence from which class of citizens judges are drawn, so long as they realize that it is only in their quality of citizens and not of membership of a particular class that they hold office, and that they are the incorruptible organs of the laws of the nation. Appeals to Rome are a pernicious institution, for they give a foreign potentate, with alien interests, a power of jurisdiction in another country; they undermine the sovereignty of the state which is so essential to its healthy existence.²⁹⁸

The constitution and procedure of courts should be regulated in detail. Judgments must be given aloud and must state the act under which the sentence has been passed. No punishment should be enforceable where a law cannot be cited in justification, but the judge is free to reprove the culprit in such cases.²⁹⁹ Reports of proceedings must be available to all those who are interested in the fate of the condemned. Trials should not be delayed and protracted; they "violate

the rights of innocence ; and punishment, coming too late, no longer has the expected good result". Informers and spies are an evil ; they are only needed by injustice and tyranny. They are inimical to the love and confidence which should be instilled into men. To compel them to bear witness against one another is to run the risk of forcing them to betray the confidence of friends ; it will inspire a hatred of the law. Justice should be obtainable free of charge, and Mably is bitter in his condemnation of the system of *épices* obtaining in the French courts. Citizens should find in their judges defenders of their fortunes and not enemies who devour them. Display and pomp should be abolished.³⁰⁰

He makes an eloquent attack on the custom which presumes the guilt of the accused. The latter should be given every facility for clearing himself of the charge brought against him. It is preferable for a thousand guilty people to escape punishment than that injustice should be done to one honest man. Even should the accused show embarrassment in court, it ought not to be taken as an infallible sign of guilt, for it may be caused by consternation or by the unfamiliarity of his surroundings.³⁰¹ The place of confinement of the accused should not be prison-like ; nor should torture be used either for punishment or for eliciting confessions. Culprits should only be arrested if taken red-handed. Bail should be allowed. Those wrongly accused should be indemnified by the state. Banishment is only permissible when it is thought that a temporary severance of the culprit from the objects that he loves will bring him to his senses, and correct his faults. Banishment for life, which presumes that the reformation is hopeless, is a breach of international law, for it inflicts an injury on one's neighbours. Confiscations should never be made, for the innocent heirs are thereby also punished.³⁰¹ Confiscations have the additional disadvantage that they tempt the cupidity of those in power : in fact, Mably would even reduce

the infliction of fines to a minimum for the same reason ; their proceeds should be devoted to the relief of distress.³⁰²

Even as it is unjust to banish culprits for life, so is it desirable for every state to take responsibility for her own malefactors ; extradition treaties should, therefore, be made between all civilized peoples.³⁰³

The guilty should be given facilities for wiping out the stigma attaching to their misdeeds. They should not be thrown into despair, and the law should show mercy.³⁰⁴ It is here that religion can play an important part, for though magistrates can only be guided by external behaviour, God sees into the heart and keeps strict count of its workings. Those who have been made to realize this are less likely to err. It is the first, the most important and the most necessary of all laws, for "if there is no God there is no morality". As Plato truly said, no delinquency should go unpunished, for the least neglect in this regard will familiarize the citizen with evil, and will finally culminate in open violation of the most sacred laws.³⁰⁵ It would, nevertheless, be a mistake to pass retroactive statutes, as they would inspire a feeling of insecurity.³⁰⁶

If it is right to punish offences, Mably thinks it is right to reward service to the state. Thus, if high treason merits death, conspicuous patriotism should be recompensed. If deliberate murder deserves capital punishment, those who rescue life should be given civic recognition. Such systematic rewards correlative to punishments would make extreme penalties appear less harsh.³⁰⁴

CHAPTER XI

EDUCATION

It has already been mentioned that Mably is convinced that men can be made good citizens and led to happiness by means of laws which regulate their thought and conduct ; we might then expect a detailed account of the system of education through which these ends could be achieved. But Mably contents himself with little more than the formulation of a few general principles, and does not enter into detail.

The acquisition of knowledge should not be the monopoly of a privileged class ; truth should be widespread. It is fatal to keep the masses in ignorance, for though there may be some objection to making half educated men and women articulate, in that they will subscribe to false doctrines, yet an ignorant people will be quite unable to cope with the difficult problem of reform. Ignorance is convenient to those in power. It may be that by keeping the people in a degraded state repose can be gained for the despot who governs them ; but that is not the object of society. Heated discussion and movement are healthy to the state, and it is only when people are sufficiently educated that they can even understand the injustice of the conditions under which they live.³⁰⁷ It follows from this that " the republic will only make excellent citizens when education is public and general ".³⁰⁸

Education should be taken entirely out of the hands of parents, and be directed by the state if children are not to grow up with the prejudices and vices of their elders. It is the only way in which class hatred can be

overcome, and with it the narrowness which makes men equate the welfare of the state with their own private advantage. It is true that in the present corrupt state of Europe private education may be preferable to what is generally known as public education. Virtuous and enlightened parents may give a better education than is obtainable at a school, but they are the exception.³⁰⁹

It is impossible for the law to lay down in detail the exact rules to be followed in order to ensure a good education. If the fathers are prevented from becoming corrupt, there is a tolerable degree of certainty that the children will be virtuous.³¹⁰ It is during adolescence that parental tenderness is to be feared. Here the state must step in; but it would be fatal to counter youthful impetuosity by too numerous and too drastic laws; they would only induce a spirit of revolt. Warnings are more effective than commands. Even amusements must be supervised, and should have an ultimately utilitarian object.³¹¹

It is education which is mainly responsible for the differences in intellect and ability which we find among human beings. Were they all to receive the same upbringing they would not be so very different from one another. By leaving them in their state of ignorance we are throwing away citizens who might be of the greatest value to the state—men who but for that lack of education might be prominent in all walks of life.³¹²

At birth children are very much alike. The infant mind is pliable, but for the first two or three years the impressions made on it by external objects is fleeting, for it takes time for experiences to create definite impressions. In childhood the “passions” jostle one another to gain expression; the intellect is not yet developed, and reason has, therefore, not yet been able to gain a hold over them, and so cannot direct them. There is no constancy in the actions of infants; the

character has not yet begun to be formed. It is then the work of the instructor, aided by his own studies of human nature, to guide the child in the formation of good habits. Above all it is essential for the latter to form a character, that is to say, to cease being swayed by every impression that it may receive through its senses ; stability must be secured at all costs.³¹³

The tutor should discover which virtue would be the easiest for his pupil to practise, and develop it. Prudence is the most important of the virtues, but its inculcation should not be merely theoretical. It should have its foundation in experience. So direct events that a foolish act will bring, as though by accident, some mortification, and an honest action some pleasure. Respect for law and government will be inspired by training the child to honour his parents and teachers. Unfortunately many parents, particularly in Paris, are so corrupt themselves that the virtue of respect which should be beneficial to the young would only tend to make them vicious. It is a terrible dilemma to Mably. His solution is to take them from home and send them to college ; the children will there correct one another, for they will still be uncorrupted.

Adolescence is a difficult period and needs particular attention. Unless the pupil has been accustomed to discipline, he will elude the vigilance of his tutor in order to gratify his desires. He will not listen to reason unless experience has already taught him to use his own.

It is, however, unwise to expect a young man to have gained perfect self-control ; it would be unnatural, and probably would only portend a weakness of character which would make itself manifest a few years later. It is here that Mably deals with the sex impulse in relation to character formation. He recognizes that although chastity and continence are great virtues marriage is necessary for the perpetuation of the race. To attempt the suppression of the sex impulse is highly

dangerous, and is an extravagant waste of energy. It is undesirable, because it will probably lead to hardness of disposition and probably also to perverseness. Celibacy is unnatural and dangerous.³¹⁴ Where marriage is not possible, the sex impulse presents a serious problem, for it may disturb the peace of mind of the young and actually hinder them in their studies. Recourse to a prostitute in those circumstances is not immoral, but is a physical and psychological necessity. The man who resorts to this will have paid the least possible tribute to the weakness of human nature and the example of bad customs. One cannot expect the young to have the virtues demanded of maturity, when greater control is expected. Unfortunately, with very few exceptions, women are a snare to young men, who only too readily become enslaved to them at the sacrifice of the good life.³¹⁵

It is in childhood and in youth that habits and character are formed which remain throughout life. It is true that age sometimes presents the phenomenon of an old habit discarded ; but that does not necessarily imply that it has been mastered, and may indicate that the passion which controlled it has burnt itself out.³¹⁶

Education, then, cannot start too early ; it begins with play, during which children should be taught to be just and considerate to one another. Care should be taken, however, not to fatigue them with too many rules.³¹⁷ The word " justice " should be drummed into them, and it might be well to set up a tribunal of children to settle their own quarrels ; this would develop the sense of justice.³¹⁸ Religion should play an important part in this direction, for children should learn that they are under the uninterrupted vigilance of a supreme magistrate who cannot be deceived.³¹⁹

It is important to remember that " to instruct one must please ".³²⁰ Lessons will be pernicious if too arduous ; children will attempt to evade them and deceit will be encouraged. It would be far better to gain the

affection of the child and let that be the stimulus to work. It will form the basis of social virtue. He should be accustomed to obedience, but an obedience not based on fear, for courage should be fostered.³²¹ Respect for parents and teachers is the first virtue of children; it leads to confidence and friendship, without which education loses its chief value.³²²

Mably refers to the precepts of Plato with approval. Physical exercise and manual labour should form an important part of the training of youth. Discomfort should be encountered; there are moments when fortitude is demanded, and we should prepare for them by deliberately meeting small ills.³²³ Military training is important.

Young men should be organized into companies within which they themselves should be responsible for good conduct; this should be effected through the channel of officers elected from among them. "Young men are less tempted to stray from their duties when they are admonished by a man of their own age." Rewards, too, should be distributed by one of their contemporaries.³²⁴

In order to avoid the danger of men becoming coarse and brutal by physical training, they should receive mental stimulation in schools. Reason and morality should be the ground-work of their studies. The golden rule must be engraved on their minds, and they should be taught to sacrifice themselves to others, and, above all, to the welfare of the nation.³²⁵

Mably suggests that the government should draw up a moral and political catechism which should be taught to children at the same time as they receive religious instruction from their parents. This catechism should be a complete treatise on morality; it could be drawn up in a simple, short and obvious form.³²⁶

Mably holds education to be of the highest importance in its relation to religion. Unless men have received intellectual training, they will be unable to

take a rational view of it, and it will tend to degenerate into superstition.³²⁷

Women are a menace to society. They should, therefore, not be left to themselves but should be rigorously supervised. Unless they are carefully educated they will vitiate all the good that might otherwise have been hoped for. Where women have had power they have destroyed morality and jeopardized the government itself. Girls should consequently be brought up to modesty and love of work. Their first habits should be so moulded as to make them covet no other glory than that of being excellent mothers.³²⁸

In some of his shorter posthumous writings Mably gives interesting details as to the course of study to be pursued by the intending politician and diplomat. *De l'étude de la politique* purports to have been written for a young chevalier who sought Mably's advice on deciding to enter a diplomatic career when he found that there was no place for him in the army. "You are choosing a career," he writes, "which will break a character almost as much as being at court," and suggests that unremitting introspection holds out the only hope of moral safety.

The student must discover a criterion of good and bad; "in order that what you do shall be well done, you must be taught what ought to be done". An honest statesman must have studied and thought a great deal.

Politics, nevertheless, is a shorter study than may at first sight appear, for Locke's treatise on *Civil Government* forms a sufficient basis. It is true that there are some defects in this work, attributable to the respect which every Englishman has for his government; but they are easily detected. What must always be borne in mind is the end of society, and its distinction from the state of nature, the origin of government and the meaning of tyranny with the associated right of disobedience. It is necessary for the student to resolve

the following questions: Is the whole world one republic, as Cicero and Socrates would have us believe? Is war permissible? Is it sometimes necessary? If so, why are there limits to the free expression of resentment and revenge in war? Is violence only allowed to the extent to which it compels our enemies to sue for peace? What are the rights of victor over vanquished? Why are nations compelled to keep the contracts they have made under pressure of superior force, whilst citizens are not compelled to keep contracts made under duress?

In addition to Locke, the student should read some chapters of Grotius and Pufendorf, though Locke should come first. Some chapters of Sydney should also be read, and finally Hobbes's *De Cive*, which contains the strongest justification of tyranny against humanity. Mably's own *Des droits et des devoirs du citoyen* might be studied with advantage, but the work was at the time still in manuscript.

But this only furnishes the ground-work of political education. The legislator must learn to detach himself from his personal advantages and from his social class. Class distinctions are ruinous to the state, whose welfare is only too often sacrificed to the interests of the caste to which the members of the government belong.³²⁹

History should form an important study; it should stand in the same relation to the politician as scientific experiment does to the physician.³³⁰ Little need be read, but that well. Causes should not be deduced with haste; fundamental principles should always be referred to. Ancient history furnishes all requirements. Polybius, Thucydides, Plutarch, Livy, Sallust and Tacitus should be studied, for they will reveal fresh truths at every reading.³³¹

Further works worthy of reference are Plato's *Republic* and *Laws*, Aristotle's *Politics*, Mably's *History of Greece* and *Entretiens de Phocion*, and Cicero's *De*

Legibus. Montesquieu's work on the greatness and decline of the Romans is worth consulting; it is better than the *Esprit des Lois*. Mably's *Observations on the Romans* and *De la Législation* might be referred to. Just as the study of natural law should be rounded off by Hobbes's *De Cive*, so in History the *Discourses on Livy* and the *Prince* of Macchiavelli should be examined in order to strengthen the student's love of truth.

It is essential to learn the nature of man, in order to be able to frame effective laws for human happiness. The national spirit must be studied so that it may be distinguished from momentary waves of national emotion.

Finally, the would-be legislator should make himself acquainted with the ruling conditions in neighbouring states. The broad outline of their history should be mastered for the last century, and the illusory and special interests which each state has set itself and which it regards as so many rules of conduct. Their pretensions, hopes, fears and treaty obligations should be noted. A study of Rousset and of Mably's *Droit public de l'Europe* will also be found useful.³³²

CHAPTER XII

INTERNATIONAL RELATIONS

A.—General

Viewed from an idealistic standpoint, the whole of mankind really constitutes one unit. The various nations are not entities actually distinct from one another, but different groups of a common brotherhood, much as the Greek states comprised a common Hellas. The fact that the world is too large a unit to be governed from one centre alters nothing in this position, and division into nations with independent centres of control is nothing more than a convenience.³³³

Natural law and the dictates of humanity should furnish the principles for the guidance of nations in their conduct.³³⁴ It is strange that legislators when framing laws for the regulation of international behaviour omit a due regard for national law, without which international law can never have a solid foundation. Its true principles are "simple, clear and obvious". Nevertheless, what passes for international law is based on arbitrary treaties and usage, and is, to a large extent, irrational. Conformity with these usages is never considered criminal however unreasonable such conduct may be. It was only late in the world's history that philosophers began to discuss the subject rationally. It should never be forgotten that national rights must always be subservient to those of humanity.³³⁵

Peace is the natural state of man, as force is only justified towards animals who cannot govern themselves by the light of their reason. Nevertheless, we

are inclined to look upon foreign states as enemies instead of as friends. We should make every effort towards friendship, dispelling hatred or suspicion by wise indulgence and patience. Our attitude should be one of neighbourliness, which will induce us to intervene as peacemakers in the quarrels of other nations. Justice should be the guiding principle directing such action.³³⁶ The ideal of international organization is for all nations to constitute one federated republic, in the manner of ancient Greece and of the Swiss Confederation.³³⁷ Mably throws out no suggestions as to how this league of nations should be organized, and it appears to rest solely on the sense of justice of the various governments.

Colonies and foreign possessions are to be avoided ; their existence will tend to tyranny, and at best they do not pay, for the tribute one might extract from them would not defray the cost of their administration and defence. The prestige arising out of large possessions is a dangerous phantom ; it is as empty as the titles which potentates bestow upon themselves. In reality nothing, they are given power and fictitious substance through the absurd beliefs of the populace.³³⁸

As it is necessary for the world to be divided into states, these should be sovereign, and their first good must be their independence. So necessary is autonomy to the vigorous life of the community that it should be maintained even at great sacrifice. It is both unwise and unjust for one state to interfere with the domestic affairs of another, and it was quite unnecessary from a legal standpoint for England to demand from France the recognition of William III and of the House of Hanover as their monarchs.³³⁹ Unfortunately independence implies self-defence, and, although peace must always be striven after, the possibility of war must not be forgotten and should be prepared for. The philosophy of the Quakers is suicidal.³⁴⁰

Mably is vehement in his protest against the manner in which territories are disposed of by treaties as though

they were farms and their inhabitants cattle. France has been a sinner in this respect by her treaties of partition at the end of the seventeenth century.³⁴¹

Reason and not the passions should govern the conduct of states. They should be content with the territory which they occupy. It would be wise for them to throw in their lot with their neighbours and conclude alliances with them. Unfortunately, this is not the position to-day ; the numerous treaties signed by one and the same nation are frequently contradictory and impossible of execution.³⁴² Secret treaties are opposed to the welfare of nations ; they violate the principles of international law. They are sanctioned by custom, but that alone is no justification ; for international law is not what is practised, but what ought to be practised. If diplomacy were open, it would avoid that uncertainty, suspicion and fear which breed distrust and animosity and which end in war. Publicity also reduces the risk of diplomatic fraud.³⁴³

The great art in negotiating lies in obtaining the esteem and respect of the other parties to the pact. This is to be secured through frankness and honesty ; intrigue and subterfuge are inimical to them, and accounted for the ill repute of Louis XIV and Charles II, and will ultimately destroy the fabric which Frederick the Great was able to set up. They bring unhappiness to all concerned. Once dishonesty and intrigue have been resorted to, they will be difficult to discard, and will ultimately turn against and ruin their employer.³⁴⁴

An honest desire for the maintenance of peace demands the sacrifice of a false sense of glory and patriotism. But even this will not alone suffice ; if foreign policy is to be permanently successful, it must be not only rational but also in harmony with the conditions obtaining within the country itself. It follows that internal affairs must also be on a sound rational foundation ; domestic policy and foreign relations are organically linked.³⁴⁵

Treaties should be precise and clear, setting forth all conditions exactly. For, although ordinary contracts may be perfectly satisfactory even though some of their conditions are not put down in writing, unless this practice is avoided in international undertakings the way is open to "subtleties, sophisms and chicanery". It is scandalous that peace and happiness should rest on the insecure foundation of subtleties and equivocations. For the sake of clarity, it is advisable to set down the exact position of the contracting countries when making a new treaty which is to supersede older ones.³⁴⁶ Plenipotentiaries are insufficiently circumspect and attentive to the general interest during their negotiations. They act according to routine and pay too little heed to special circumstances. As a result continual petty violations of undertakings become inevitable.³⁴⁹ Care should be taken lest old treaties which have fallen into desuetude menace peace. They should be formally denounced.³⁴⁸ The breach, by one party to a treaty, of one of its clauses should not free the other from her obligations, but should only give the right of redress.³⁴⁹

The error committed by most statesmen is to uphold as wise and prudent in politics conduct which they would denounce as unjust in the capacity of moralist.³⁵⁰ But not only is it immoral and, in fact, politically unwise to make treaties which one does not intend to carry out, they are also vain if the peoples for whom they are framed are not prepared to act according to their terms.³⁵¹

Governments must be bound by the engagements of their agents, even though they exceed their secret instructions, so long as their actions are such as are generally understood to pertain to their office. Agents are, of course, responsible for their *ultra vires* acts. All difficulties in this respect can be avoided if international undertakings are only provisionally framed by plenipotentiaries, subject to ratification by their governments.³⁶²

Mably seems a little uncertain as to whether it is ever justifiable for a country to combat an intriguing and dishonest neighbour with her own weapons. In the *Entretiens de Phocion* he emphatically denies the wisdom of ever departing from honesty and openness ; but he appears to weaken on this point in *Principes des Négociations*, and admits that the honest nation may incur ruin.³⁵³

Governments are so in the habit of acting in bad faith that Mably despairs of devising a method which would keep them to their word. The ancient practice of swearing by the relics of a saint or the like had long become outworn, for the church could free men from oaths—even from those which undertook not to have recourse to this method of release. Nor was the system of guarantors, which came in with the Renaissance, any more successful, particularly as they were prone to act for their own ends.³⁵⁴ Certainty can only be sought in the wisdom and honesty of the framers of international compacts, and in the enlightenment of subjects.

The vigorous intercourse between nations is regrettable, for it tends to spread the vices of one country to all the rest. Lycurgus was wise in forbidding Spartans to go abroad excepting on special missions, and in appointing inspectors who should watch over foreigners entering Lacedæmon and whose duty it was to shield the inhabitants from moral contagion. The vices of foreigners are more deadly than invading armies.³⁵⁵ It follows that international commerce should be reduced to a minimum, particularly as merchants, who think primarily of personal gain, have no sense of country.³⁵⁶

Mably despairs of the utility of describing the ideal ambassador. Even though he could be found, possessing great wisdom, tact, knowledge, integrity and so forth, it would probably be dangerous to employ him. He would be out of place in the corrupt courts of Europe ; he would be scorned as a ridiculous pedant. A mediocre

man with charm, perhaps even with vices, would be able to act more effectively.³⁵⁷

Ambassadors should always keep before them that they are ministers of peace and union between nations. At all times they should present the truth to their masters. Mably despairs even of this demand, for potentates wish to be flattered; ambassadors reflect the virtues and the faults of their governments, for they are always anxious to please them, and to succeed in their mission.³⁵⁸

B.—War

Although peace is the natural relation between nations, and should be steadfastly aimed at, war had become chronic in Europe. Peoples still work for their undoing by attempting to make conquests; Mably defies anyone to point to a single acquisition during the past two centuries which did not bring ruin to the conqueror. The tribute exacted has not even met the interest on the debts incurred, much less paid off the principal.³⁵⁹ There is, nevertheless, no nation which has not the ambition to extend its frontiers and to subjugate its neighbours. The wise policy would be for nations to make public declarations affirming their fixed intention never to embark on aggressive wars.³⁶⁰

The disadvantages of conquests are numerous and serious. Far from becoming more powerful by subjugating its neighbours, a state weakens its own foundations by the distrust and hatred which its action inspires in others. The vanquished nurture the hope of revenge.³⁶¹ It is, then, always important, when assessing the net value of a victory, to make an estimate of the attendant disadvantages, not least of which will be the effect on the morality of the people.³⁶² Avarice and ambition, disguised under the cloak of national glory, prompt wars; it will, then, be obvious that treaties of peace will stand small chance of being wisely

and justly drafted.³⁶³ These two vices should, therefore, be strenuously resisted. They have brought about the ruin of those who cherish them. The oppression and tyranny in which they result abroad will ultimately have their repercussion at home, and destroy liberty.³⁶⁴ War itself gives rulers the opportunity of extending their prerogatives and of encroaching on the liberties of their subjects. Thus the British Constitution can only be safe in times of peace.³⁶⁵ It is, therefore, advisable after every war to examine whether exceptional circumstances and emergency measures have not modified the country's constitution.³⁶⁶

Small states rest on a firmer foundation than larger ones, for they are much easier to administer. In large states the central government is so overburdened with its duties, and is so far removed from the outposts, that its action becomes retarded and weak.³⁶⁷ It is, therefore, foolish for a state to attempt to enlarge its territory. In addition to increased administrative difficulties, it will find itself saddled with inimical subjects within its borders.³⁶⁸ Large empires crumble. Thus, Spanish treasures only resulted in the indolence of the Spaniards and in the ultimate decline of their empire. It was, in fact, an advantage to her to be deprived of the Low Countries and of her Italian possessions, whilst Austria was actually weakened by their acquisition. Again, England would greatly benefit if she lost her American colonies, for, although she might thereby lose some of her commerce, she would gain by having her attention directed with greater intensity to domestic affairs.³⁶⁹

What is of the greatest concern to Mably is that conquest brings the victor into close contact with the vices of the vanquished. They will corrupt him and he will fall an easy prey to some daring neighbour, who, in turn, will become demoralized. Antiquity affords numerous examples to prove the truth of this.³⁷⁰

All the nations of the world should be friendly towards one another, but, in the actual state of affairs, it is wise for each to examine which among the rest are likely to be opposed to it, and which well disposed. The latter may be termed natural allies; such are states with a common enemy and are, therefore, interested in uniting in order to withstand him.³⁷¹ Alliances between them should be close and permanent. Proximity, rivalry and competition make nations natural enemies. Alliances between such nations can only be temporary, and, although prudence counsels moderation and justice in their attitude towards one another, they must be prepared for strife. It sometimes happens that a passing event may suggest a union between two states; but care should be taken not to make it permanent for, after the particular contingency has ceased to operate, the alliance may become obsolete and dangerous. As powers of the second order always seek to expand at the expense of the great powers, it is in their interests never to conclude permanent alliances with them. Their best policy—assuming the corrupt state of European politics—is to wait and to profit by events, to make their friendship esteemed, and to sell their support to the highest bidder. Perpetual alliances would consequently only hamper them. The great powers cannot afford to neglect even doubtful treaties with those of the second order. They only become dangerous when they are not appraised at their true value, and a great power must realize that, out of a hundred such treaties, perhaps one will be useful to it. Although a great power knows that a state of the second order always attempts to grow at its expense, and that its friendship is unreliable, it will always have good reason to pardon breaches of faith in order to maintain what friendship it can. Turin is a case in point, for it grew at the expense of both France and Austria, of whom it was alternately the ally and the enemy. There is probably no exception to the maxim

that "a power must never be the enemy of a state weaker than herself".³⁷²

Defensive alliances should be most carefully drafted. It often happens that the actual aggressor is the injured party and has been provoked into open hostilities. An ally should, then, carefully consider the circumstances so as not to participate in an unjust quarrel on the side of the wrongdoer. It would be well if treaties of alliance stipulated that help should only be forthcoming after a definite period, during which the ally should use its energies for procuring a reconciliation.³⁷³ Defensive alliances are, however, of little value, for they are seldom adhered to unless the ally sees its advantage in doing so.³⁷⁴ The more powerful a country the more should it endeavour to respect its obligations. The maxim *salus populi suprema lex* is often abused, inasmuch as a belligerent frequently deserts its ally although it is not justified in doing so unless faced by total ruin.³⁷⁵ Nevertheless, it is in the interests of humanity that allies should never make a general stipulation not to negotiate a separate peace with the enemy, for this may prevent justice being done. Should either ally find that it can make a just peace, it should advise the other, and in the event of the latter refusing to join in negotiations a separate peace is justifiable. This, of course, does not apply where the object of the hostilities has been clearly specified, in which case the objective must first be attained before the conclusion of a separate peace, unless the ally is threatened by annihilation.³⁷⁶

Every effort should be made to preserve peace. A class of officials should be appointed for the sole purpose of maintaining friendly relations with other states, and of smoothing over any cause of friction that may arise.³⁷⁷ It is only in self-defence that wars are justifiable; even then they should be embarked on only after mature consideration, and peace should be re-established at the first possible moment.³⁷⁸ In declaring

war, the belligerent should publish a manifesto setting forth the reasons for resorting to arms, thereby giving a justification to the whole world.³⁷⁹

So much should the ideal of peace always be before men's minds that the very conduct of war should be governed by a consideration of how best to secure it on a sound foundation. Reason and experience teach that moderation and humanity in war are actually advantages to the victor. The Roman triumph was, consequently, a barbarous institution. To slay soldiers who have laid down their arms is tantamount to assassination.³⁸⁰ Every effort should be made to extinguish the hatred which is attendant on war. This is important, for if it be indulged it will inspire your enemy with a thirst for revenge.³⁸¹ On no pretext should the enemy's territory be invaded; this will remove the temptation of abusing victory, and will facilitate peace negotiations.³⁸² It should not be permissible to pursue a fleeting enemy, to plunder the dead or to take booty.

Even apparently hopeless peace overtures should be made; some chance event may, unexpectedly, bring success. Such premature endeavours will at least show the dispositions of the belligerents, will shorten subsequent negotiations, and will disclose the obstacles to peace.³⁸³ It is to the advantage of the victor to shorten the war as much as possible, for nothing can indemnify him for the losses any protraction will cause him. He should cease hostilities before he is exhausted. The vanquished should not be humiliated, but turned into allies. They should be left their laws, customs and government.³⁸⁴

Every effort should be made during peace negotiations to wipe out all bitterness and to avert all causes of future friction. Spoils should be avoided and reconciliation striven after. Prisoners should be liberated without ransom, and free intercourse permitted between nationals of the late enemy states.³⁸⁵ An unjust peace treaty, one which is not in conformity with natural

law, is not binding. It would never be criminal to rise in revolt against it.³⁸⁶

The belief that conquest gives a title to the territory acquired is absurd. The right of the stronger has no reasonable basis. It is true that a nation can invade and reconquer a province belonging to it, of which restitution has been refused. It is even justifiable to go further and to invade enemy territory in order to secure restitution.³⁸⁷ It is noteworthy that this doctrine is in violation of Mably's statement that enemy territory should be invaded on no pretext whatsoever. (See Note ³⁸².)

Privateering is strongly to be condemned. It is nothing better than piracy, and has no effect on the progress of the war.³⁸⁸ The seas should be free. This does not, of course, apply to contraband and munitions. Just those countries which have the most extended commerce and are consequently the least able to protect it in times of war, such as England, should be the first to demand the non-molestation of merchant shipping during hostilities. To prohibit trade with one's enemies is absurd, and is a relic of barbarous times. It is true that enemy traders cannot be accorded the same facilities as during peace-time, but certain places could be set apart for their activities, where they could be easily supervised. Merchants are not patriotic and are not likely to do anything that might harm their trade.³⁸⁹

Another relic of a barbarous age is the practice of taking hostages. It is brutal and senseless, and has little chance of being effective.³⁹⁰

In spite of everything that has been said against war, it may nevertheless be a blessing. It can bring out the best qualities in man, and even purge him of some of his vices. Thus it was regrettable that the North American colonies of England passed too quickly from the latter's rule to liberty. The colonists were not yet prepared for freedom.³⁹¹

Standing armies are strongly to be condemned.

They are not only expensive, but they menace peace. Nor is this all, for a standing army is a domestic danger, inasmuch as it places a weapon in the hands of the government which the latter can turn against the citizens. Mercenary armies are thus incompatible with liberty.³⁹² A reference to history will reveal their character. They bring into civilian life the habit of blind obedience, and of judging right by might.³⁹³ Should it, however, be necessary to have a mercenary army, it should be subjected to the most rigorous discipline. It should be under the scrutiny of a council of which the members hold only brief office. Its generals should be elected annually in order to prevent them from acquiring an authority that may become dangerous.³⁹⁴

Evil as the institution of mercenaries may be, there are two advantages which the Swiss derive from it. In the first place it provides them with an army experienced in war without themselves ever embarking on it. Secondly it rids them of bad characters. Their armies are always abroad and not in garrisons at home, and this prevents all possibility of their rulers misusing their power and becoming tyrannical.³⁹⁵

It is essential for a country to be on a military footing, not only for the sake of protection from attack, but also because it has a beneficial moral effect on the citizens.³⁹⁶ It is the duty of every citizen to bear arms and to be ready to defend his country when occasion arises. It is monstrous to separate military from civilian functions. Civilian armies have a discipline and a courage superior to mercenaries. Military service should be a condition of public office; this would develop public spirit and have a good influence on character.³⁹⁷ Where citizens refuse to be troubled with military exercise, the standing army, or those who know how to control it, will ultimately gain power and tyrannize over the state.³⁹⁸

CHAPTER XIII

REFORM

Once it has been ascertained what the end of man should be, and the qualities which it is desirable to foster in him, it is possible to inquire into the methods which should be adopted by the legislator in order to turn citizens from their corrupt ways and set them on the right road. It is quite inadequate for rulers to be merely honest in order to be able to govern well ; a knowledge of politics, which is the art of making a country happy and flourishing, is essential.³⁹⁹

Men are divisible into three classes according to their moral and intellectual worth. First in order of value come the philosophers, who act rationally. This is a very small class. The second comprises those with an intellect above the average, but dominated and corrupted by their passions. This makes their intelligence the more dangerous. The third and most numerous class consists of those who are unable to distinguish between truth and error. They are the bulk of mankind ; they act from instinct and follow blindly where they are led.

It is in the first of these groups that we must seek the ideal statesman and reformer.⁴⁰⁰ He must himself be virtuous or he will be unsuited to the task of undertaking far-reaching reforms. In a sense he must keep aloof from the life of the community in order not to be contaminated by popular shortcomings. He should, in fact, even have a slight feeling of contempt for his fellow creatures ; it will keep him free from their weaknesses.⁴⁰¹

In view of the fact that the legislator is able to mould the character of citizens, he should undergo a special and rigorous training.⁴⁰² Above all he must realize that he is dealing with human beings and not with chattels, and so must study their nature.⁴⁰³ He is to society what a tutor is to his pupil; he teaches, directs, and moulds men.⁴⁰⁴ It is obvious, then, that laws are essential to the life of the community, and it is the first care of the legislator to instil obedience to them into his subjects.⁴⁰⁵ It is the fault of the laws if men are wicked. They are not so by nature, and travellers testify to the fact that savages are just, and that such vices as they have are born of ignorance.⁴⁰⁶ Under the influence of Plato, Mably's pessimism, which prompts him to look on man as depraved enough to do wrong in spite of his better knowledge,⁴⁰⁷ conflicts with his master's teaching—which he at times accepts—that sin is due to ignorance.⁴⁰⁸ If we could only find the correct political, administrative and educational system, men could be reformed and kept in the right path. Moral and religious degeneration are to be laid at the door of the politician.⁴⁰⁹

It is a delicate task to bring about the reform of man, and a great deal of tact is needed for the undertaking.⁴¹⁰ The reformer must not be too idealistic and optimistic, and rate man's capacities too high. It is senseless to draw up a paper constitution and expect that it will work well; it is liable to be harmful rather than beneficial.⁴¹¹ We should be foolish to strive after unmixed good; man is imperfect, and all we can legitimately expect is to secure the least evil. Even Plato would not have attempted to clear away all abuses. The masterpiece of human reason is to discover the best workable system, and to leave the ideal when passing from theory to practice.⁴¹²

Even were it possible to remove all abuses and to establish an organization under which ideal conditions would reign, it would be undesirable and highly dangerous

to do so. Perfect repose is inimical both to individual and to the state. Disturbances are necessary in order to keep the intellect alive, and even invasion by a foreign foe is not an unmixed evil if it succeeds in shaking a nation out of its lethargy. "Unfortunate the country which experiences no adversity!"⁴¹³

The greatest care must be exercised when embarking on reforms, for, if they are badly conceived or unsuccessfully carried out, they do more harm than good. The impossible should not be attempted and some evil conditions had best be left alone. As Fleury put it: "By stirring some sewers, you only corrupt the air you breathe".⁴¹⁴ Not only should not all reforms be attempted, but the time must be carefully chosen. Thus periods of prosperity are not propitious; it is during adversity that a people is most amenable to reform. Again, it is practically impossible to bring about a beneficial change in a country corrupted by riches and luxury.⁴¹⁵

Particular national characteristics and influences such as climate, to which the people are subject, must be taken into the calculation when drawing up new schemes; for it will be found that one and the same institution will have different results under different conditions.⁴¹⁶

National character is formed by events rather than by laws. These events give rise to opinions which we obey instinctively, and which we ultimately regard as "the voice of the most sane reason".⁴¹⁷ We take tradition and custom for granted, and give them a habitual obedience which is difficult to shake, even though we should recognize their inadequacy.⁴¹⁸ It must, then, be clearly understood that force of habit, which has the advantage of giving stability, also makes it impossible for any big changes to be effected suddenly. Progress must be extremely slow if it is to be lasting.⁴¹⁹ It is often asserted that men have a craving for novelty; but this is false. In fact, far from always desiring

change, we distrust the unfamiliar. A desire for something new is generally nothing but the expression of dissatisfaction with certain conditions. After a change has been attempted, we imperceptibly drift back to the old state of affairs. Habits are broken with difficulty, as is shown by the return of Charles II. and the conditions prevailing in Holland after the expulsion of the Spaniards.⁴²⁰

The goal which the reformer must set himself is a long way off, and the approach to it is slow. It must, nevertheless, be kept in view, though we may only be able to advance a few steps.⁴²¹ Revolutions are never sudden, but are always the result of a long period of preparation. Even then they cannot have durable success unless they are strongly desired.⁴²² If a too violent change is attempted, for instance when a tyrant is overthrown by a people who have found his rule insupportable, only failure is to be expected, for the old conditions will return, and, in the case of the dethroned tyrant, another will arise in his place. Thus it was a mistake for the English to attack the persons of Charles I and James II. It was going too far, in the case of the former, to attempt the abolition of monarchy, for the people were not prepared for it. The change was too radical; a curtailment of royal prerogatives would, on the other hand, have had a good chance of success.⁴²³

It is then evident that laws must have some relationship to the character and the spirit of the nation for whom they are made. Unless they at least to some extent harmonize with public opinion, they will have precarious force; that is why the laws of a country tell us rather what the inhabitants are expected to do than what they actually do. It is this which explains the failures of Cato and of Marcus Aurelius.⁴²⁴ The reformer must then of necessity be cautious and not hope for too rapid results; he should only attempt a little at a time.⁴²⁵ It is futile to expect people to accept

a law because of its rationality ; public enlightenment must be born of experience. Rulers govern rather by the strength of their character than by reason.⁴²⁶

It would be suicidal for a reformer to enforce a law for which there is little national support. Not only would he have small success, but he would render himself odious and thereby reduce his prestige. His first care must be to secure respect for himself as well as for his laws ; he must use methods which the people can understand. Clumsy reformers, by not handling our susceptibilities with tact, will find that their good endeavours, even those in the direction of our own ultimate desires, will only be abortive and engender resentment.⁴²⁷ Detestable as is intrigue, it may on occasions be the least objectionable of the alternatives which the reformer has to face ; it will be "purified by the love of the public good which inspires it". An abuse is necessary when it is the remedy for a greater evil.⁴²⁸ Persuasion should be the method used ; coercion destroys confidence, and, although it may attain momentary success, it cannot establish a durable order.⁴²⁹

It is natural law which should furnish the infallible criterion for legislation. Unfortunately we are nearly always interested in momentary evils and benefits, and ultimate and distant good has only a feeble power over our imaginations.⁴³⁰ Reforms must follow a certain method if they are to be effective. All laws must be organically related and form a consistent whole. If this is not the case, the legal system will run the danger of becoming chaotic, and at best reforms will be only palliatives.⁴³¹ It is foolish to attempt the separate abolition of each abuse, for many of them are traceable to the same causes. It is the latter which should be discovered and eradicated. Few laws would then suffice.⁴³² Although all evils are undesirable there are those among them which should receive first attention either on account of their magnitude or because they form the centre from which others proceed.⁴³³

It is the work of the legislator so to direct our impulses and desires as to make them a force for good instead of for evil. Thus it is possible to transform envy, jealousy, ambition, pride, and vanity into emulation, love of glory, prudence, stability and heroism. Properly handled, these impulses and desires can serve to keep unworthy passions in check.⁴³⁴ It is often dangerous to attempt to subdue the latter by direct means, and it is here that an opposing passion can be used with advantage. Thus the vanity and ambition of citizens may be used to combat their avarice by instituting public honours. Ambition is not only less repulsive than avarice, but it can also be guided into channels useful to the state. Laziness and fear, too, are excellent checks on anger and selfishness if properly directed, and can be made to find expression in moderation and the social virtues. Again, we are so foolish that it is possible to use our vanity to serve great ends by associating it with pride and so forming noble sentiments.⁴³⁵ The use of these passions as instruments of reform is, however, dangerous; once they have been put in motion, it is difficult to retain control, and they may gain the mastery. Thus laziness may prevent us from going to the extremes of Jucundus, but it will induce us to follow the crowd.⁴³⁶

Our habit of indolently copying our neighbours can have the direst results, and legislators should do their utmost to impede the setting of bad examples; we all become sullied by what is around us. Habit makes us familiar with surrounding evils so that they escape our attention. A wise man has, then, need not only of introspection, but of a knowledge of the vices of others against whose contamination he must guard.⁴³⁷

It is useful for the reformer to remember that it is opportunity which enables a vice to take root and grow. If conditions are such that it cannot find expression, it will trouble neither the individual nor the state.⁴³⁸

So difficult is the task of reform that Mably has small

hope of any amelioration. Men are too stupid and too wicked for good to be expected of them.⁴³⁹ The most that can be hoped is that a few more favoured citizens will save themselves from the general disaster.⁴⁴⁰ His pessimism leads him at times even to doubt the wisdom of attempting to change things for the better, and he concludes that all that is left to the philosopher statesman is, like Count Wielhorsky in Poland, to withdraw from the world and to live in seclusion.⁴⁴¹

CHAPTER XIV

THE ORGANIZATION OF SOCIETY

The ground has now been prepared for the erection of an edifice to direct the state. It is necessary to evolve a scheme for its organization which will lay down general principles for the making of particular laws.⁴⁴² It has been seen that it would be futile to work out a constitution suitable only under ideal conditions. Man is corrupt, and his particular difficulties are not the same everywhere. Above all, we have only imperfect materials to work with in giving effect to any scheme. The good we can strive after is, then, not the absolute, but the best obtainable.⁴⁴³

Since men have joined into communities for the sake of security and happiness, any form of political organization which menaces the latter is bad. It is true that every state has the lot it deserves. If history shows that nations have risen and fallen, and that none have been able to preserve their prosperity or even existence, that does not mean that states like individuals are doomed to decay and death. The legislator must act from the standpoint that his country can, by a wise system of laws, aspire to immortality. Morality is the key to the problem.⁴⁴⁴ Unfortunately absolute morality is unattainable to-day, so that one is tempted to assume the inevitability of the decline and succession of states. Even Sparta, the best organized of nations, perished. The reason for this is that human impulses are indestructible and, in fact, should be preserved, for they are necessary to

existence. But, if their action is beneficial, they can also be misdirected and cause harm.⁴⁴⁵

It has already been pointed out that no laws, whether constitutional or otherwise, can be effective unless they are commensurate with the standard of knowledge and intellect of the people as a whole.⁴⁴⁶ This circumstance gives added force to the maxim that every people has a right to legislate for itself. Unless all share in government, those excluded will inevitably be sacrificed to those in power. Nor is this all, for unless all citizens are induced to take an active interest in public affairs, they will become indifferent to the welfare of the state, whose vigorous existence will suffer. It is this faculty of taking part in his own government which has a strong moral effect on a man.⁴⁴⁷

It is, then, a rule of universal validity that the only rational form of government is the one which encourages all citizens to participate in it. Montesquieu is consequently wrong when he asserts that climate determines the form best suited to a nation.⁴⁴⁸ By form of government Mably means one of the four conventional categories—democratic, aristocratic, monarchic and mixed. Of these only the mixed form is rational; the others are unjust and unwise.⁴⁴⁹ Mably examines them in turn and traces the progress of the degeneration of each through all the rest. It is the Platonic cycle, although he motives it differently. Democracy is rejected, because most men do not think and are the playthings of their passions. For the sake of security, therefore, the nation develops into a sort of aristocracy—liberty becomes less dear, and for the sake of protection the power to legislate is confined to a few magistrates. Equality, the soul of democracy, is thereby dissipated. As a result, men lose the qualities necessary for citizenship, for they become subjugated. Their passions cause their further degeneration; and, in proportion as vices grow, it becomes necessary, if the state is to survive, to con-

centrate power into still fewer hands. The corruption of the aristocracy thus makes the people seek protection in monarchy, which, by a further process of degeneration, develops into despotism. The solution is to be found in mixed government under which the passions are balanced, reason has greater freedom, and talents are enabled to develop. But even the mixed form, with its balance of powers, can degenerate; for external shocks, as well as the different degrees of intelligence and the varying qualities of successive magistrates, will shift the balance. These changes cannot be foreseen and provided against. Nor is it really desirable that they should be, for, as has already been shown, the feeling of security born of an ideal balance would lead to indolence and thence to decay. Alternations of hope and fear are needed for keeping the mind alert.⁴⁵⁰

A.—Democracy

Mably takes his conception of democracy from the city states of ancient Greece; it is the conventional pre-nineteenth century view, of the whole people gathered together, legislating for itself, and deciding particular questions of law directly.

Such a type of government is possible only in small communities where each citizen knows and can criticize all the rest, and where morality is on a high level. Plato, Aristotle and all the political writers of antiquity guarantee the truth of this. With our state of morality democracy would be detestable.⁴⁵¹ Where citizens are divided into rich and poor, it is impossible.

The characteristic of democracy is movement, which often becomes convulsive. It produces men imbued with courage and patriotism, but fickleness will also be their trait, and the state is shaken by internal disorder and instability.⁴⁵² Democracy is, therefore, to be rejected. The multitude is ignorant and fickle,

jealous of the fortunes of the rich, always the dupe of some intriguer, and always governed by the most turbulent citizens or by those who are most adroit in pandering to its predilections. Anarchy is the prevalent condition.

Since only the educated and the virtuous should have the task of governing, it is evident that the proletariat, "this species of public slaves whose ignorance, education and servile occupations condemn them to having no will of their own", should be debarred from it.⁴⁵³ In a sense these people belong to no society. An assembly of artisans cannot be "just, prudent and magnanimous".⁴⁵⁴ The multitude is degraded by need and by employments which condemn it to ignorance and vile and low thoughts, and has neither the means nor the time for quiet and mature reflection on public affairs. Men cannot think on empty stomachs.⁴⁵⁵ It, therefore, becomes necessary to consider as citizens only those who possess landed property in the country. The Massachusetts constitution shows wisdom in this respect.⁴⁵⁶

The great objection to democratic government is that where men are not on a high plane of morality it will sooner or later develop into despotism. Its magistrates will succeed, by intrigue and ruse, in collecting the power of the state into their own hands under pretext of working for the public good.⁴⁵⁷

B.—Aristocracy

Mably tells us little about the aristocratic form of government. Unless it is tempered by wise institutions, it will become harsher than monarchy.⁴⁵⁸ Liberty cannot long subsist in a country where there are nobles.⁴⁵⁸

An assembly of aristocrats has the same disadvantages as an assembly of the people, though in a lesser degree; confusion predominates.⁴⁵⁹ Inequality

in fortunes between various members of the aristocracy will destroy the sentiment of equality which should exist between them. Power will thereby be concentrated into fewer hands.⁴⁶⁰

It may happen that under certain circumstances an aristocracy is necessary. But it can only be a temporary expedient.⁴⁶¹ It is an unsatisfactory type of government. It may be a more rational and methodical form than despotism, and it may not go to the excesses of barbarity which have disgraced certain monarchs; but it will at the same time be even more unjust. And, Mably asks: "Have men the need for a Caligula or a Nero in order to be unhappy?" The governing classes will jealously preserve their privileges and prevent plebeians from rising. They, in their turn, will tend to prevent one another from gaining predominance, and so they fetter one another, and condemn the state to stagnation.⁴⁶² Hereditary dignitaries are irrational; they stifle the spirit of emulation, and are consequently an evil.⁴⁶³

C.—Monarchy

Mably defines monarchy as that form of government in which one man possesses absolute power in the state. It is to be condemned if only for the reason that the strength and insight of a single man is insufficient for the task. The "legal despotism" of the Physiocrats is irrational and inadequate.⁴⁶⁴ Monarchs themselves realize the immensity of the work that they are called upon to perform, but they have not the courage to throw off a yoke that is oppressive.⁴⁶⁵ But in addition to its practical futility, it is insane to aspire to absolute power, for its possession does not bring happiness.⁴⁶⁶

Even though the despot be virtuous and wise, his actual impotence will encourage much injustice and unhappiness. The people, devoid of power, lose interest

in the well-being of the state ; they become degraded, indifferent and unpatriotic and acquire the mentality of slaves. The enormous burdens of despotism smother the talents of both despot and subject, and a long period of it will degrade the people to such an extent that the ruler will have difficulty in finding the ability he needs. The result will be stagnation. And even should an able prince ascend the throne, his rule would after all be only temporary, and his efforts feeble. Under a despot all independence of thought is ruthlessly suppressed, until, worn down by it, the people count themselves happy when the slightest relief is offered. The nobility prostrate themselves out of baseness and ambitions, whilst the people look upon their own deplorable condition as their natural state. Finally the interests of the kingdom become identified with the whims of the monarch so that there can be no consistent policy either internal or external.⁴⁶⁷ One of the greatest faults of monarchy is that, owing to the wealth and pomp of the ruler, riches and luxury become esteemed before all else. The laws cannot be impartial because the prince, being human, never has the wisdom or the courage not to sacrifice the nation to his courtiers. It is chance which places monarchs on the throne ; but they are no more intelligent than other men, and their education generally degrades their natural gifts. "To be born great is a reason for being small all your life."⁴⁶⁸ The temporary rule of a wise and virtuous despot would be of little avail ; such exceptional princes have generally left behind them successors who possess none of their admirable qualities. That is why the Physiocratic doctrine of legal despotism breaks down ; it demands a long succession of perfect rulers. History shows, in fact, that the great heroes whom one admires were generally concerned with their own greatness and not with the welfare of their kingdoms.⁴⁶⁹

It is fear, luxury and poverty which have principally

caused the rise of despotism.⁴⁶⁷ The fear born of oppression and designed to stamp out all remnants of the spirit of liberty ends by throwing the whole people into abject stupidity, and this raises a barrier to any advantageous reform. When Trajan, Nerva, and the two Antonines conferred some of their power on the senate and the people, the latter were too cowardly to preserve it. Courage and liberty can only be recovered in the convulsion of a revolt; but it is despair alone which can drive them to this extreme step, and despair is too blind and too transitory for good to come of it. What generally happens is that the tyrant is overthrown, but that tyranny remains.⁴⁷⁰ This arises from the fact that men only judge of the authority they have by the abuse they make of it; and those who have overthrown the tyrant think that they have gained nothing if they do not reign as arbitrarily as he.⁴⁷¹

A wise despot would find that, by divesting himself of part of his authority and conferring it on his subjects, he would, in fact, increase his power. A free people makes the greatness of the prince. Charlemagne exemplified this, but unfortunately he is not likely to be copied.⁴⁷²

Absolute power is contrary to natural law. The feudal system embodies the belief that all possessions are held from the king, who is the prime owner of his kingdom. He thus has a right to reclaim his old possessions. But this assumption is absurd.⁴⁷³

Hereditary rulers are, in a sense, the enemies of their country; however circumscribed their power may be originally, it will gradually grow. Even life tenure is opposed to the legitimate ends of society. The vice which it carries within itself inevitably leads to the degeneration of all national institutions, however well devised they may be.⁴⁷⁴ Princes are exposed to great temptation to which they fall easy victims. The history of monarchy shows such a bad record that

the system becomes suspect. It is true that some princes have had talents, but none have merited their positions and done their duty. Even if some exceptions could be cited, they would not suffice to justify the system. The vilest of kings have had their flatterers. "Wisdom is seldom seated on the throne," and it is even more difficult for kings than for their subjects to be virtuous.⁴⁷⁵

Pernicious as is the monarchic system, it at times becomes advisable to set up a dictator, invested with great power, in order to drag a nation out of its degraded condition. But the dictatorship should last only for a definitely limited period.⁴⁷⁶ Mably is even prepared to extend this exception and maintains that monarchy is necessary where primitive ideas of simplicity and equality have become lost. It nevertheless remains vicious.⁴⁷⁷ It is also necessary where there exists a number of noble families ; for only a hereditary house, privileged to rank before all others, is able to hold the turbulent nobility in check. It tempers their ambitions and so prevents the rise of despotism. Heredity need not be feared in such cases if the limits of the king's power are strictly laid down, and his acts continually scrutinized. Poland is an instance of a state where hereditary monarchy becomes a necessity. The person of the king should be sacred and inviolable. Revolting as this suggestion may at first sight appear, mature consideration will show that it is the only course which holds out any hope of tranquillity.⁴⁷⁸ Mably's complaisant view stands in contrast to his anxiety that a hereditary magistrature will ultimately usurp all the power in a state, however little it may at first have had.

The problem of hereditary monarchy may be approached from the angle of natural law. Since men united into society for a definite object, viz., their well-being, the institutions which they set up must necessarily be subordinate to that end. It

implies, moreover, that the authority which is wielded in society originates from the particular community in which it operates, and for whose benefit it has been instituted.⁴⁷⁹ It follows that the monarch is the agent of his people.^{479a} Montesquieu put the position admirably in his *Esprit des loix*. The order of succession is founded on the welfare of the state. "It is not fixed for the sake of the reigning family; but because it is the interest of the state that it should have a reigning family." The state then always has the right to change the laws relating to its royal house. It becomes clear that monarchy by divine right is ruled out.⁴⁸⁰

Provided that certain precautions are taken, hereditary monarchy can be beneficial. Above all, the king should possess only the shadow of authority. He should be the symbol of the state, but should not have the power to corrupt his subjects by means of patronage by which he can gain adherents at the expense of the republic.⁴⁸¹ Since he is not to be held accountable for his acts, he should not be able to do anything without the consent of a responsible authority.⁴⁸² The monarch should be made entirely dependent on the state in order to ensure the harmonization of his acts with its interests. A potent cause of the independence of a monarch, and one which is at the same time a grave menace to the peace and security of the realm, is his possession of foreign domains. He has in them a source of supply which lies beyond the control of the state. Moreover, they are liable to embroil the country in quarrels which do not concern it. A king should therefore be compelled to renounce, for himself and his successors, all claims to foreign possessions.⁴⁸³ But this will not be found to suffice; for a wealthy king still has the means for corrupting, and for purchasing the adherence of, his subjects. It is not poverty but riches which should be feared in a king.⁴⁸⁴ The civil list, which should be fixed and not based on the fluctuating yield of royal domains, should be small.

In fact, all royal domains should be confiscated and used for the setting up of necessary national establishments.⁴⁸⁵ The king should not be permitted to possess or to amass private property, and, should he have done so, it must not pass to his heirs, but to the state.⁴⁸⁶

In order not to tempt his cupidity, the king should not have the management of state finance. An effective method of preventing him from raising money by loan is to make it illegal for the government to pay his debts, and to exonerate his heirs from all responsibility in that direction. This would make people unwilling to advance money to him.⁴⁸⁷ The children of the king should be provided for by the state—the males to receive a small pension, the females a dowry.⁴⁸⁷

In order to prevent him from acquiring control over the army, the king should never have the command of it unless he is expressly appointed by the government. He should not have the power to grant promotions, and as the payment of troops does not fall within his purview, he cannot easily secure authority. In any case the government should only give him supreme command if it at the same time nominates generals to execute his orders. He should also be associated with two members of the war council and of the foreign ministry.⁴⁸⁸

Another source of danger is the power to confer honours. Although these may carry with them no actual advantage, they flatter the vanity of their possessors and so become a source of corruption. Hence the king should not be permitted to dispense them.⁴⁸⁹

The net result, then, is that monarchy may be the only solution to the problem of governing a corrupt people—that is to say, countries as they for the most part are to-day. Generally it should be hedged round by rigorous restrictions; it is a limited monarchy which cannot develop into despotism. The king's movements must be controlled by law. Such power as he may possess must be only executive, never legis-

lative. The circumstance that the king of England constitutes a branch of the legislature is a basic weakness of the British constitution, for it gives him control over Parliament, and inevitably leads, with the help of support purchased by bribes of money, place and honours, to final despotism.

D.—Mixed Government

Since all three so-called "pure" forms are undesirable, Mably, following the example of Plato, decides that the "mixed" form is the best. In it the power of the state is divided, each part tempering and balancing the other.⁴⁹⁰ It unites and emphasizes all the merits of the other three, at the same time avoiding their disadvantages.⁴⁹¹ It is only under this type that "citizens preserve their dignity, and find in their love of country an incentive to become enlightened and educated, to love the good and to find the strength necessary for doing it".⁴⁹² Mably draws a parallel between the constitution of Lacedaemon and that of Rome at the time of the second Punic War. He follows Polybius in his misconception of the latter: the two consuls represent monarchy, the senate aristocracy, and the assembly of the people democracy. It united the prompt action of monarchy, the permanence of aristocracy and the zeal, fire and enthusiasm of democracy.⁴⁹³ He denies that the British system is what Montesquieu supposes it to be—a mixed form in which King, Lords and Commons balance one another. There exists no satisfactory safeguard for retaining the king's power within its prescribed limits. Actual facts prove Montesquieu's error; one need only think of the continual complaints against the royal prerogative. The fact that the king is answerable to no man for his acts makes him independent. Ministerial responsibility is an impotent safeguard, for the king, with his immunities, can easily protect his ministers.

They are his tools, for he can purchase their support. Moreover, the standing army is under his control, and his large private fortune gives him added power. Distribution of honours enables him to secure for himself the supporters he requires. His authority is still further increased by his rights to convoke, prorogue and dissolve parliament at will. He can do much without its permission, but parliament can do nothing without the king. He can refuse his consent to bills. Where then, asks Mably, is this balance? It is odd that the English have not yet learned that in order to ensure liberty the executive must be subjected to the same laws as the ordinary citizens. The only means they have reserved to themselves for opposing the excesses of the king is that of revolt; and revolt means civil war—the very negation of society. Those who see an ideal plan in the British constitution are, therefore, mistaken.⁴⁹⁴

E.—Separation of Powers

Connected with Mably's theory of mixed government is that of the separation of powers. As this was to guarantee to the citizen his liberty, one might expect a clear exposition of the subject as Mably conceived it. That he was not clear enough is proved by the fact that he is generally represented as desiring the power in the state to be divided in two, whereas a careful consideration of his views reveals indubitably that he had at least vaguely in mind a three-fold division. The reason for his lack of clarity is probably due to two causes. On the one hand, Mably's admiration for Locke seems at times to induce him to follow the outward form of the latter's argument; he was, however, too independent a thinker to accept any leader blindly. In spite of his tripartite division of power, Locke actually demands only a two-fold division, inasmuch as he sees the necessity of uniting the

executive and federative powers. Montesquieu, who reconstructed rather than developed Locke's theory, found little favour with Mably owing to his reaffirmation of the very defects which Mably objected to in Locke. He was too much at variance with Montesquieu on his exposition of the subject in the *Esprit des loix* (Book XI, chap. 6) to be persuaded to follow his analysis. Locke had merged the judiciary in the executive, and it was supposed that Mably had done the same. Colour is given to this assumption in an obscure passage in his *Doutes*, which runs as follows :

“Is not the magistrature itself part of the executive power? Have not magistrates been established to execute the law, both civil and criminal, which citizens might violate? Are they not the instruments employed by the legislative power to enforce the law?”⁴⁹⁵

Passages such as these must, however, be treated with caution, for Mably is concerned with refuting the physiocratic standpoint in this work, and is at times apt to do so even at the cost of diverging from a logical adherence to his own.⁴⁹⁶ In a sense it is true that the judiciary performs executive functions inasmuch as it enforces the will of the legislature and so may be termed part of the executive. That Mably did not think of the judiciary as a subordinate of the executive will appear later.⁴⁹⁷

On the other hand, he was concerned with establishing what he thought the correct relationship between the legislature and the executive which had been left vague and unsatisfactory by Locke, and erroneously set out by Montesquieu and his followers. His emphasis of this side of the problem, coupled with his vague use of the term “magistrate” to apply equally to the heads of the executive and to judges, has led to the conclusion that he considered the judiciary as part of the executive. In reality the independence of the judiciary has been only overshadowed and obscured

by what appeared to him as the problem of preponderating importance—that of the relationship of executive to legislature.

Mably maintains that the power in the state resides in the state as a whole.⁴⁹⁸ The particular mode of exercise of this power depends on the peculiar circumstances which influence its political character. It has already been seen that he envisages the possibility of undivided power in any form of government under appropriate conditions. It has also been seen that, speaking generally, the mixed form is preferable, and it is here that the problem of the division of power must be faced. He does not set out to make a systematic division into a number of parts, in the manner of Montesquieu or Locke, but only asserts that, *e.g.*, “It is an incontestable principle that the magistrates charged with executive power must have no share in the legislative power”.⁴⁹⁹ He is quite definite that those who take part in either of these two branches should be, for the period of their office, excluded from participation in the other. The English system is defective in this regard, for the king and his ministers share in legislation.⁵⁰⁰ This prohibition does not really deprive those who participate in the executive from any share in framing the laws of the land—a right belonging to all citizens—if their term of office is short.⁵⁰¹ Were members of the executive permitted to have seats in the legislature, their prestige and knowledge arising from the fact that they would be in office even when the legislature separated would give them such predominant influence as to make it easy for them to arrogate to themselves excessive power.⁵⁰² It is a maxim that the executive is and must be the enemy of the legislature, on whose field of action it always tends to encroach.⁵⁰³ On the other hand, it is essential that members of the legislature should have no share in the execution of the laws; for the guarantee against their arbitrariness lies in the circumstance that they

themselves will be subjected to them the moment the legislature disbands.

Although these two powers are separate they are in a sense not independent nor opposed to one another if the right precautions are taken. Since the legislature consists of the body of the whole nation or its representatives, it is there that power originally resides. A logical consequence of this is that the executive must be chosen by the legislature and be responsible to it if it is to have the confidence of the nation.⁵⁰⁴ The executive should be selected from among the members of the legislature.⁵⁰⁵ There is here, of course, the disadvantage that it would deprive the latter of its best brains; but this danger can be minimized by making the tenure of executive office short and non-renewable under any pretext.⁵⁰⁶ On no account should the executive be permitted to fill its own vacancies; this would lead to nepotism.⁵⁰⁷ The great advantage of the election of the executive by the legislative is that the harmony between these two branches, so essential for efficient government, is thereby ensured.⁵⁰⁸

The relation then between the executive and the legislature is that of subordination. Were these two powers equal in strength, rivals of one another, the well-being of the state would suffer.⁵⁰⁸ The executive is the link between the nation as a whole and the citizen as an individual. The citizen is subjected to the executive as the machinery by which the laws of the state are imposed; but the executive is, in turn, subordinated to the laws which are framed by the legislature.⁵⁰⁹ Executive responsibility is essential as a rampart against tyranny. Any misuse of power or failure to carry out its instructions must be punished and reparation exacted.⁵¹⁰ The only measure of independence which should be granted to the executive is that of taking provisional action in cases of emergency. In order to have permanent force, such acts must be ratified by the next legislature.⁵¹¹ The executive must

also act, subject to rules which the legislature may specify, in the event of invasion, either actual or threatened. But even then, a legislature must be immediately convoked and the executive's action ratified.⁵¹²

It is interesting to note that Mably reserves to the legislature the right to sit in judgment on guilty members of the executive, that is to say, it retains judicial functions, which also extend to a jurisdiction over its own members. It is a breach of Mably's own inflexible maxim that the functions of legislative and executive must be absolutely separated. This is possibly an oversight on his part, although it must be noted that he deliberately abstains from laying down hard and fast rules when it comes to the practical application of his theories. He realizes that the peculiar conditions, physical, social and mental, prevailing in the state under consideration, must in a large measure determine the particular application of his conclusions, and even the extent to which it would be wise to put them into practice. Thus it has been seen that, although he desires the executive to be nominated by the legislature, yet in the case of Poland he thinks it advisable that the president of the executive—the king—should hold hereditary office, and for the rest of the executive to belong to a particular class. Similarly he approves of Lycurgus, who, when he introduced his reforms in Sparta, placed the executive in the hands of an elected senate and two hereditary kings.⁵¹³

F.—The Legislature

Sovereignty resides in the state as a whole.⁵¹⁴ It may be exercised either by the assembly comprising all citizens, or by one made up of their representatives only.⁵¹⁵ The former alternative is bad even in city states, as it results in instability of policy and of laws,

which in turn undermines the respect which it is necessary for citizens to have for the law. The city states of ancient Greece bear ample testimony to this.⁵¹⁶ On the other hand an assembly of representatives is "less daring, less capricious, less thoughtless, less inconstant" because it is under the continued observation of the nation.⁵¹⁷ The manner of selecting these representatives depends, like the structure of the rest of the political machine, on circumstances. Certain more or less definite principles may nevertheless be deduced from Mably's recommendations.

The country should be divided into electoral districts. The citizens of each district should elect their representatives either direct to the legislature or to a local assembly charged with the choice from among themselves of the members of the legislature; in the latter case the local assembly would act as the local administrative body.⁵¹⁸ The method of secondary election is preferable, as it is more likely to lead to a rational choice.⁵¹⁹ Where the nation is divided into orders, each should elect its own representatives. Voting should not be secret, for, on the one hand, men should have the courage to express their opinions freely, and, on the other, shame will prevent them from making corrupt use of their votes if they have to be given in public.⁵²⁰

Only such men should be chosen to sit in the legislature as have been in the public eye for some time. They should have had experience in public affairs, *e.g.*, by having served on one of the local bodies, by which their probity and ability could have been tested.⁵²¹ Only holders of landed property—who alone can have a true interest in the state—should be eligible for office.⁵²² They should have reached the age of thirty years, have done military service, and have been resident in their electoral districts for some definite period.⁵²³ Members should not be allowed to sit in two consecutive assemblies, nor should relatives hold

office concurrently.⁵²⁴ The size of the assembly should be between six and seven hundred.⁵²⁵

It is a maxim of the highest importance that the power of the legislature must be unlimited. It should even be able to change the constitution should occasion arise.⁵²⁶ On the other hand, the legislature must ensure the inviolability of the constitution from outside causes. In order to prevent laws from becoming perverted, it should appoint a special commission every twenty or twenty-five years (he even at times says fifty years) to examine into the present position of the government, and to investigate whether usages which have crept in imperceptibly have not brought about the encroachment of any magistrate on the legislative power, or his usurpation of any of the functions confided to his colleagues.⁵²⁷ This should also be done after every war and after every reign.⁵²⁸ But, although the legislative power can do anything, it is not justified in acting arbitrarily; it does so when, instead of making us happy, it misuses its authority, acts at hazard or capriciously, or does evil "under the pretence of doing good".⁵²⁹

The first act of the new assembly should be to elect a president whose chief function is to maintain order; he should have power to suspend refractory members for a limited period. Committees should be elected to consider the various branches of business in detail, and to report to the assembly. The presidents of these committees should be nominated by the president of the assembly, and should be armed with power to suspend obstreperous members.⁵³⁰

One of the most important acts for a newly established legislature is to declare itself a permanent institution, which cannot be abolished, dismissed or prorogued at will by the executive. It is essential for the legislative assembly to fix the time and place of its meetings once and for all; its existence will thereby be made independent of the king's convocation.

The latter must, however, issue writs for an extraordinary meeting should occasion arise. Such contingencies can be specified by the legislature, which thereby strengthens its independence of the king.⁵³¹ Members should receive certain marks of distinction, so that they may be readily recognized and esteemed. During the period of their office, their persons should be sacred and inviolable. Should any member be accused of behaviour unworthy of his high office, the plaint should be brought before the assembly, and, in the event of guilt, he should be deprived of his office. If accused of a more serious offence, he should be arrested and immediately handed over to the president of the assembly. Should it establish his guilt, he should be degraded and sent to the ordinary courts for trial and punishment. Nobody who has once been guilty of any crime should be eligible for election.⁵³²

Parliamentary procedure should be clearly and definitely laid down.⁵³³ Perfect freedom of speech should be permitted, and there should be no secret legislation. Debates should be open to the public, and reports of proceedings published periodically; this would help to educate the electorate.⁵³⁴

Every member should be permitted to propose new laws or the alteration of old ones. This ability should not be bound up with formalities, as they are likely to lead to malpractice. A representative may, however, only bring forward the measures authorized by his constituents. This will tend to create an intimate contact between citizens and legislature, and lead to a more profound respect for law.⁵³⁵ Bills must also be introduced at the request of any of the heads of the executive.⁵³⁶

In order that laws may make an appeal to reason, it would be advisable that preambles should not only set out the objects of the law but also the reflections of the legislator which led him to attack the abuse in question, and the perils to which a non-observance

of the law would expose the state. These preambles would in time form the most complete treatise on natural and political law.⁵³⁷

Nothing should be decided in haste. Committees should be set up to examine bills. A week after they have issued their reports, the new project should be debated. After the lapse of another week the measure should be put to the vote, a simple majority sufficing for its passage.⁵³⁸ In *Des droits et des devoirs du citoyen* Mably suggests that each bill should be discussed three times at intervals of ten days.⁵³⁹ In order to prevent interest from flagging, sittings should be of limited duration; on the other hand, no restrictions should be placed on the length of sessions.⁵⁴⁰ The legislature should not be in permanent session, for its business can be finished within a limited period, after which it would only harass and so weaken the executive.⁵⁴¹ On the other hand it is dangerous to allow the vacations to be too long, for, unless the executive is under continual control, it will extend its powers. When the legislature finally meets after a too prolonged recess, it will find itself confronted by so many difficulties that it will despair of sweeping away abuses and become inactive. The maximum period should never exceed three years.⁵⁴²

Mably is indefinite as to the term of office of the legislature. He suggests that representatives should be elected for three years to Congress in the United States, one-third of whom should retire annually. This would maintain continuity of purpose.⁵⁴³ Elsewhere he speaks of annual meetings of the legislature.⁵⁴⁴ In the case of annual parliaments, there should be no right of petition and remonstrance, for this would weaken the prestige and authority of the legislature. The shortness of its period of office would ensure that an unfaithful assembly would not cause irremediable evil.⁵⁴⁵

Mably is not clear on the subject of the relation

between the orders. He generally speaks of a single legislative assembly, from which one might assume that he thought of them as deliberating together, as in the revolutionary assemblies. On the other hand, at times it seems as though he conceived of them as deliberating apart, although he leaves it quite uncertain as to whether any of the orders should have the right of veto, as, for instance, in the English system. He is, on the one hand, strongly in favour of majority voting, and is opposed to the veto in Poland; ⁵⁴⁶ on the other he approves of the provision in the Massachusetts constitution which enables either house of the legislature to reject the bills of the other. ⁵⁴⁷

Mably suggests that the executive might be kept under scrutiny by the legislature in order to ensure its faithful functioning, and to enable it to punish offences, by delegating its powers of supervision to the local primary electoral and administrative assemblies during vacation. It should be so arranged that these latter should meet annually, but at different periods, so that their sittings may form a continuous chain. ⁵⁴⁸

G.—The Executive

The separation of executive from legislative functions is by itself insufficient for the preservation of liberty; the executive must be subdivided into as many branches as there are different activities for it to perform. If this is not done, the executive, thinking and acting as a whole, will tend to conceive of itself as having interests separate from those of the nation. It will gain the ascendancy over the legislature, for, whereas the latter disbands for lengthy periods, the former is always active and in the public eye. If, on the other hand, ministers are only the presidents of councils, each sitting and functioning separately, and each keeping a check on the activities of the others, the executive will automatically remain within legitimate

bounds.⁵⁴⁹ The spheres of authority of each department must be clearly defined, for overlapping is dangerous and leads to inefficiency. Although it is essential to split the power of the executive, care must be taken not to subdivide it to the extent that a minister will not have his time fully occupied; such ministers become meddlesome in the affairs of their colleagues, and make themselves a nuisance. If, on the other hand, the right division has been made, in which there is neither overlapping nor a confusion of incompatible functions, the executive will be able to reach a high degree of efficiency.⁵⁵⁰

The heads of the executive should have restricted authority even in their own departments; they should not be "ministers", but only presidents of the councils, whose function it is to carry on the business of their respective spheres. Each council should comprise six members. All departmental decisions should be brought before the plenary session of the executive council, of which the king is president, and it is this body which has the final voice in and responsibility for all administrative measures. This device would ensure unity of policy.⁵⁵¹ The suggestion of departmental councils had been made by several of Mably's predecessors, among them St Simon, Boulainvilliers, Fénelon, and St Pierre.

The executive departments which Mably recommends to the Poles are: war, police, justice, finance and foreign affairs. He mentions "justice, state chancery, war, admiralty, finance, mines, commerce" as constituting separate departments in Sweden, whose constitution of 1718 he calls "the masterpiece of modern legislation".⁵⁵²

Mably leaves it vague as to what he considers the ideal period of office for public servants. He is quite definite that it must be short if it is to be efficient and safe. There are three main objections to long terms of office. Above all, men tend to become negligent of

their duties if they feel that their employment is assured. This is particularly so where a post is held for life. Long periods also incline men to assume proprietary right over their office, and to lose the sense of responsibility to the state. They will endeavour to work for their private interests and to extend their prerogatives. Pushed to extremes this will lead to arbitrary rule. It is also objectionable on the grounds that those who aspire to power are liable to become impatient of waiting for a vacancy to occur, and will consequently intrigue to remove officials from their posts. The latter will in turn resort to the same underhand methods for their protection, with unhappy consequences to the state.⁵⁵³

Certain objections also lie against the curtailment of a short period; it would be preferable to allow it to run its course, even though the post is being badly administered. At worst its disadvantages will be of short duration. Nothing is more dangerous than to discharge officials on the simple plea that they have lost public confidence, for it tends to undermine the constitution, on account of the intrigues to which it gives rise.⁵⁵⁴ On the other hand a term of office should not be extended on any pretext. This holds particularly in the case of a magistrate armed with exceptional powers, such as a dictator, whose tenure should be particularly short.⁵⁵⁵ The retiring magistrate should be permitted to fill the same post only after an interim.⁵⁵⁶

Mably suggests that one year is too short for executive office in the newly constituted United States of America, and approves of the Pennsylvanian system under which the executive holds office for three years, one-third retiring annually. His suggestion in the case of Poland is four years.⁵⁵⁷

Finance

Unsound national finance is the most fecund source of all governmental abuses. Thus sixty years of financial maladministration sufficed to plunge Spain

into utter ruin, and, although England rests on a sounder basis, her final collapse is inevitable, although it may take two centuries for this to happen.⁵⁵⁸ The management of finance, then, needs particular care.

The executive should not be permitted to control public funds; its officers, more than all men in the state, should be above corruption and consequently as far removed from temptation as possible.⁵⁵⁹ The legislature should retain its administration in its own hands, and itself determine the national expenditure and revenue.⁵⁶⁰ The provincial assemblies should, however, be free to raise their respective quotas, calculated according to the wealth of the districts, in the manner at least onerous to their inhabitants.⁵⁶¹

The legislature should have its treasurers, who receive all revenues, but who should not be able to expend anything without the order of another legislative official, the superintendent of supply. These functionaries should be under the immediate control of the assembly. Each executive branch should have its own treasurer charged with the expenditure of funds apportioned to it, and with rendering annual accounts to the treasurer general, who must furnish them with supplies and himself answer every two years for public funds to the legislature. All expenditure should be clearly specified and secret disbursements should not be permitted. Extraordinary expenditure, which should be discouraged, must be sanctioned by the legislature.⁵⁶¹

The ideal tax is a direct one on land, because it is the fairest and makes the citizen realize his connection with the state. Corvées should not be imposed, as they lead to injustice, and do not yield satisfactory work. The state should not derive any of its income from domains, as they yield fluctuating amounts which cannot be adequately controlled.⁵⁶² It is a maxim that the degree of perfection of the financial system may be gauged by the low level of national taxation.⁵⁶³

The cost of collection should be kept down to a minimum. It should, in consequence, not be entrusted to farmers of taxes, who find it to their interest to turn what should be a simple and intelligible activity into one from whose complexity and confusion they can draw their profit.⁵⁶⁴

The state should budget only for its yearly requirements. If there is a surplus, it should be devoted to the erection or support of institutions of which the state has need. The greatest exactness should be exercised in drawing up the budget, which should allow for no margins which could tempt the cupidity of ministers.⁵⁶⁵ The collection and handling of state revenue should be left to young people, for "the soul of young men is seldom open to avarice". They should be made to feel that they are undergoing trial preparatory to filling higher posts.⁵⁶⁶

On the subject of local taxation for local requirements Mably says little, doubtless owing to his desire for a highly centralized state in which a minimum should be left to local initiative. In his scheme for a new Polish constitution, however, he touches on the subject probably because he is confronted by a large amount of local independence which would have to be tolerated for some time at least. There the *dietines* (or provincial assemblies of all electors) should be permitted to raise money for their own requirements, such as the payment of clerks' salaries, for the construction and repair of roads and bridges, and for the erection of useful establishments in the region. This financial independence would, in Mably's opinion, lead to local enterprise and emulation. Districts should be encouraged to unite for the purpose of carrying out common undertakings, in which each should share in the expense, according to its individual wealth and size, and the utility of the enterprise to each, as laid down by their contracts. In the event of disputes, the central Diet should arrange a settlement. The mode

of raising these funds must be specified, since no province should be able to injure its neighbours, by the erection, for example, of customs barriers.⁵⁶⁷

Mably feels very strongly that payment for services rendered to the state runs counter to morality and sound politics. To be mercenary with regard to one's country is to him a sure sign that the latter is corrupt, and that the citizens are prepared to sacrifice it to their own ends.⁵⁶⁸ Even the smallest salary is an evil. The only desirable means of recompense is public honours.

As, however, the institution of private property has upset the ideal ways of Nature, monetary reward has become necessary. It would be well if it could be so arranged that, as the importance of officials increases, so should their salaries diminish.⁵⁶⁹

Mably says little on the subject of a national debt. Just as a state treasure is to be avoided, so should also state liabilities. He is certain that a national debt presages national ruin.⁵⁷⁰ Should, however, borrowing become necessary at any time, citizens should be patriotic enough to lend their money without interest.

Justice

The functions which are to be exercised by the department of justice are not specified by Mably. In fact the nature of the relationship which should exist between the judiciary and the legislature on the one hand, and the judiciary and the rest of the executive on the other, is left confused. The passage in *Doutes* which makes it appear as part of the executive has already been alluded to,⁵⁷¹ and colour is lent to this appearance by the inclusion of departments of justice in the executive.⁵⁷² His practical suggestions, however, make the judiciary independent.

The first part of Chapter II of *Du Gouvernement et des loix de la Pologne* deals with reforms in the Polish legal system. Mably suggests the establishment

of an executive council of justice. The courts, however, are not to be set up by that body but by the *dietines*—the provincial primary assemblies of all citizens, whose principal functions are the election of the legislature and the carrying out of its orders.⁵⁷³ These courts are in consequence independent both of the executive and of the legislature. In his suggestions for the reform of the French constitutions, Mably retains the parliaments as the sole courts of law—with the exception of the police courts with power of summary jurisdictions in small matters, and subordinate to the parliaments. Of their constitution Mably says nothing, although he strongly disapproves of their composition.⁵⁷⁴ He is clear, however, that it is foolish to permit any body to fill its own vacancies.⁵⁷⁵ In *Des droits et des devoirs du citoyen* he suggests that it would be wise for the parliaments to place themselves at the head of the third estate, a step which would form a strong connection between the legislature and the judiciary.⁵⁷⁶ If, then, the judiciary were to form a part of the executive, the barrier dividing that power and the legislature would cease to exist. But this is clearly the reverse of Mably's intention.

In his suggestions for the reform both of the French and the Polish constitutions, Mably states definitely that the courts of law must have final jurisdiction; no appeals should be possible to any superior authority, and the heads of the executive should not have the right of pardon.⁵⁷⁷ Nevertheless, judges are responsible for their conduct to the legislature. It is, then, not clear how appeals to that body can be avoided if put forward on the grounds of misapplication of the law. What this seems to imply is that the judiciary is, in a sense, connected with the legislature in the relationship of subordination, like all other state departments.

The terms of office of judges should be short, not only because long ones lead to abuses such as corporate interests, and intrigues on the part of aspirants to

office, but because they would necessarily form a cleavage between civil and military functions. If laws were simple and logical, they could be learned with little study. This would make brief tenure possible, and enable judges also to fulfil their military duties.⁵⁷⁸

Police

The Council of Police should have the care of public morality and education, of roads and rivers, of the safety and comfort of travellers, and the establishment of industries. Bureaux should be set up in the provinces to carry out its instructions.

The intendants of education should attend the central council. Schools of medicine, physics, mathematics, history, rhetoric and so forth should be set up, and their professors imbued with the spirit of emulation.⁵⁷⁹

Since morality is essential for the maintenance of liberty, public censors should be appointed for its encouragement. They should protect the weak from oppression by the rich and exalted, and see to the administration of sumptuary laws and the inspection of colleges to ensure that salutary principles are taught.

They should hold office for one year only, and should be three in each province, appointed by the local primary assemblies. The censors' report would furnish the latter with the requirements of their areas, and enable them to formulate demands to the legislature.⁵⁸⁰

Mably fears, however, that censors can only be of service under certain conditions. Unless the people possess a degree of morality and are willing to co-operate with the censors for their own betterment, the institution is doomed to failure.⁵⁸¹

Foreign Affairs

The powers of the council for foreign affairs should be very restricted, inasmuch as its activities should be under continuous public scrutiny. It should consist

of six councillors with foreign experience, and should have the king as its president. It is not the council but the legislature which must choose ambassadors ; but extraordinary envoys and secret agents should be appointed by the council. It should conclude foreign treaties subject to ratification by the legislature.⁵⁸³

So important is the maintenance of good relations with foreign countries, that a number of officers should be appointed for the sole purpose of safeguarding them, and of striving after conciliation when a rupture threatens.⁵⁸⁴ These officers should form a permanent college in order to maintain continuity of foreign policy. They should also have the power to direct public opinion in order that it may always harmonize with a sound international policy.⁵⁸⁵

One of the gravest dangers to peace is secret diplomacy with its possibilities of intrigue and bad faith. It should, therefore, never be countenanced.⁵⁸⁶

So important is the right of war that the nation, to whom it belongs, cannot with safety delegate it to the executive.⁵⁸⁷ Its declaration should, then, come from the legislative assembly, which must be called together even when, in cases of emergency, the executive has been forced to take independent action.⁵⁸⁸ Fortifications and munitions should be under the direct control of the legislature.⁵⁸⁹ The army should receive its pay from that body in order to ensure its loyalty.⁵⁸⁹ Nor should military promotions come from the executive, but from the legislature.⁵⁹⁰

H.—Federalism

In spite of many allusions to federalism, Mably did not evolve a system for its establishment. Even his desire to see all the nations of the world united under some sort of common government⁵⁹¹ is strongly qualified by his fear of international contamination. His dislike

and distrust of large states leads him to suggest the division of the territory into small units, held together federally. But even here his suggestions are so qualified that all resemblance to federalism seems to vanish.

The ideal size of a state is that of the city states of ancient Greece, where the inhabitants knew one another, and could control and criticize one another's behaviour. Large states are liable to crumble, as they are very difficult to administer. Their only hope of maintaining themselves lies in their being split up into small, manageable provinces, each with a vigorous administration at its head. Since the needs of men are everywhere the same, one code of laws would still suffice for the whole.⁵⁹² It is clear that Mably's sense of the word "federal" is the very negation of federalism. He demands a powerful central government with local officials appointed to enforce its will. The various provinces are to be deprived of all independence and administered by officials, independent of one another as between province and province, but under the immediate control of the central government. Here, as elsewhere, Mably draws a distinction between the ideal and the practicable, and admits that it is choosing the lesser of two evils to accord a measure of autonomy to the Polish Palatinates and to the American States. The Polish government would do well to await a more propitious moment before attempting complete uniformity throughout the country.⁵⁹³

I.—Suggestions for French Reform

In Letters 6 and 7 of *Des droits et des devoirs du citoyen*, written in 1758, Mably gives a brief sketch of how France might proceed to rid herself of her worst abuses.

He warns against an attempt to set up an ideal constitution, and insists on giving prevalent conditions full consideration. "It would, I think, be

dangerous to try to establish at first too perfect a government; it would rouse too many prejudices; it would injure the interests of too many people." The legislator must make liberty more attractive (p. 174). But as feudal ideas were still dominant, Mably "would like to establish, if I may so call it, a feudal republic which, from its inception calculated to flatter, unite and kindle the minds of the people, would meanwhile enlighten them sufficiently to make them finally desire something better" (p. 175). No definite lines of action can be laid down, as circumstances will dictate them (p. 219). It is certain, however, that no monarch can withstand the demands of the nation if these are seriously meant (p. 175-185). He warns France that she has no choice but those of revolution and slavery (p. 186). He also warns against the intrigues of the church whose domination will crumble before liberty (p. 187). A day will come when the king will no longer know how to act, and will summon the States General; this will not help matters, however, unless the people are more enlightened. The nation will be only too likely to take this step as a gesture of repentance and will close its eyes to the past. Deputies, flattered by this unexpected honour, will pay insipid compliments to the government instead of giving advice and resuming the power which is theirs (p. 188). The Parliaments should place themselves at the head of the Third Estate. Their rank would give this order, which is in any case the most powerful, far more prestige; they would at the same time consolidate the rights and the liberty of the nobility who can never be free and powerful where the people are under the yoke (p. 196). It is a lamentable fact that the deputies, hitherto deprived of all share in public affairs, will be entirely lacking in experience, but nevertheless common sense will not be altogether powerless, and they will make fewer blunders than the "three or four secretaries of state and their bureaux" (p. 200).

They will be more interested in doing good. This assembly will soon gain experience and become enlightened, and "a thousand pamphlets will suddenly appear to instruct the people in its interests" (pp. 201-202). This passage is cited by Claude Fauchet in the second sitting of the *Assemblée Fédérative*, October 22nd, 1790.

Mably fears that the States General would try to move too quickly; on the contrary, progress should be slow, and many evils must be passed over for the time being (p. 203). Some measures must be attended to; "thus the Estates must of necessity not separate before they have promulgated a fundamental law, a pragmatic sanction, by which it shall be ordained that every two or three years representatives of the nation, charged with its powers, shall be assembled without hindrance from any cause whatsoever, and without having to be convoked by any special act" (p. 204). It should meet on a fixed day, and should not be abolished, dissolved, separated, prorogued nor interrupted by order of the king. On separation it should be empowered to determine under what special conditions an extraordinary meeting shall be called (pp. 204 and 220).

The first steps to be taken are to lay down definite and minute rules regarding the form, order and procedure of the assembly, the privileges of the deputies which are only justiciable by the assembly and the ensuring of freedom in elections (p. 204). The assembly is warned against the cancellation of the state debts, and against the abolition of class privileges; such procedure would be fatal, as it would raise a host of opponents (p. 206).

During the recess, bureaux of commissaries appointed by the States General, set up in Paris and in the provinces, should be occupied with the examination of abuses. They should prepare material for the next assembly (p. 206). There should be assemblies of the three orders in each province, charged with the

administration of local affairs. It is they who elect their deputies to the States General from their midst.

The States General should assume the whole of the legislative power, and take sufficient safeguards against any share in it being again seized by the king or the executive (p. 222). As the executive is to be feared, there should be frequent assemblies to keep it under continual supervision. It should meet at least every three years. The provincial assemblies should meet annually; it should be so arranged that their sessions occur at different periods so that there may be an uninterrupted check on the executive (p. 226).

The States General should not be so large as to form a mob nor so small as to endanger its degeneration into a clique (p. 227). No deputy should be enabled to free himself from his duties, which should be heavy but honourable.

It should not be permitted to introduce a new law unless it be demanded either by a provincial assembly or a head of the executive (pp. 227-228). All bills must go before a legislative committee for examination and report. The assembly should deliberate three times on the measure at intervals of ten days (p. 228). The executive should be divided into as many branches as there are special needs in the state. Mably suggests four: justice, police, finance and foreign affairs. A minister is required for each need. An undivided executive is bound to bring about two evils; on the one hand it leads to maladministration as the work is too extended for one man, and on the other to despotism (pp. 228-229). These ministers should be nominated for a definite period only. If their tenure of office is for life, they will become careless of their duties, and will tend to arrogate to themselves illegitimate powers.

In the administration of justice, the parlements (or bourgeois courts of law) should have full sway; "It would be the worst policy in the world to restrict

their power; all causes of whatever nature must resort to their tribunal. Let their competence extend over everything, and let the other courts be destroyed and their officers indemnified". Definite rules of procedure should be laid down for them (p. 231). No authority in the state should have the power to reverse their judgment (p. 233). The police courts, whose function it is to watch over public safety in towns, subsistence, purity of the air, cleanliness of the streets, and to have summary jurisdiction in petty disputes, are to be under the parlements.

The department of police should have the charge of public morality. It is important, however, that spies and informers should not be resorted to (p. 234). Censors should be appointed to protect the oppressed, and to enforce the sumptuary laws which the States General or the provincial assemblies may impose for the reduction of extravagance which has become burdensome to the very people who indulge in it (p. 234). These censors should have the duty to inspect colleges in order to ensure that sound ideas of morality and a thorough knowledge of natural law are imparted (p. 236). Their term of office should be short. Each year the provincial assemblies should nominate three censors for their region. These officials would be serviceable as a source of information as to the needs of their province.

The administration of finance belongs to the States General alone (p. 237). Expenditure should be made out of the general treasury by order of an official empowered to do so by the assembly. Every two years, on the separation of the States General, a list of ordinary and extraordinary expenditure should be published (p. 238). No secret expenditure should be permitted. Each government department should have its own treasury. It should render annual accounts to the general treasury from which it draws its supplies, and it must be accountable for its finances to the

States General. Should any extraordinary expenditure be necessary, it should be granted and the money raised by the States General alone (p. 239).

The right of war belongs to the nation, *i.e.*, to its representatives assembled in the States General. It is only in case of emergency that the king should take the initiative after a consultation with the council for foreign affairs assisted by a certain number of high military officers. He must even then convoke an extraordinary meeting of the States General to ratify or condemn his action (p. 240). In times of peace, the king should be only an inspector and a censor of the army. Fortifications and the supply of munitions of war should be the concern of the States General. Mably adopts St Pierre's scheme for the election of officers when vacancies occur for promotion. There should be eight marshals of France who take the oath to the States General. At every ordinary assembly, the latter should choose two of their number to help the king in his war council, assisted by four lieutenants-general. Two others should be chosen by the States General to inspect troops, munitions and frontiers with the assistance of several generals, and to command under the king in war time, or replace him in illness or old age (p. 241). The army should be paid by the States General so that it may not become attached to the king (p. 242).

In order to raise the nobility from its state of degradation and give it its former courage and dignity, Mably suggests that all royal prerogatives regarding war should be handed over to it. Military rank would thenceforward be a true distinction and give real power (p. 245).

In order not to strip the king too much of his authority, Mably would make him head of the council for foreign affairs. This should comprise six councillors, chosen from among those who have been employed by the state in its negotiations in foreign countries. The States General should appoint all ambassadors;

envoyees extraordinary and secret agents, on the other hand, should be the province of the council, which would also have the privilege of concluding all treaties (p. 246). The council for foreign affairs must give an account of its activities to the States General, and lay before it the international engagements into which it has entered. By this device, it will keep in intimate touch with the spirit of the nation.

Mably is strong in his opposition to republicanism: "Let us respect thrones and try not to run after a phantom good. . . . Royalty is no doubt a vice in a government; but whatever this vice may be it is necessary in a nation the moment it has lost its primitive ideas of simplicity and equality (which men once had) and is unable to recapture them" (pp. 251-252). Royalty is necessary to prevent strife among the nobility (p. 252). Great vigilance is needed to stop the liberated state from sliding back into its old evils. To prevent laws from losing their force, the States General should establish every 20 or 25 years a special commission to examine the present situation of the government, and ascertain whether by usages which have grown imperceptibly some executive official has not encroached on the legislative power or usurped any part of the executive power confided to his colleagues. All illegitimate attempts to remodel laws should be laid bare and corrected.

Since every war calls forth emergency measures the first care of the States General after the conclusion of peace should be to repair any damage which the constitution has suffered under their influence. This is particularly necessary when the war has been successful, for elation will induce men to attribute success to measures which only served their purpose under emergency conditions. That is why too great success is almost always the forerunner of imminent downfall (p. 263).

PART III
COMMENTS

COMMENTS

The absorbing desire of the latter half of Mably's life was to find a path which would lead France out of political chaos and social anguish. If his search led him into the realms of psychology, ethics, economics and history, these sciences interested him only to the extent that they could help him to his goal. Although they, and particularly psychology and ethics, figured prominently in his inquiry, they nevertheless remained subsidiary. Even if Mably had had the advantage of all the progress which has been made since his day, it would be useless to search in his works for a complete and systematic exposition of these sciences. It sufficed him to find what seemed to him adequate and plausible support for his contentions. Psychology had not yet emerged as a separate science, but Mably saw clearly the urgent need for it. He recognized that no system of ethics, no political structure and no social institution could be adequate unless it found a response in man's nature. His insight was often remarkably keen, although the general principles which he deduced from what he found were at times crude, strongly coloured by the popular assumptions of his epoch, and consequently not always consistent. It will suffice to touch on some of his more salient errors.

REASON AND THE PASSIONS

The conception of reason and the passions as entirely separated and opposing forces, residing in man and yet, as it were, acting on him from without, dates back to

antiquity. It was easy for Mably to adopt this view as it was taught by his master Plato whilst his theological studies lent irresistible support to it. It is unfortunate that Mably confused his argument by designating as passions conceptions which, though to some extent related, are nevertheless different. Sensations, appetites, impulses, instincts, desires, sentiments and sometimes even vices are indiscriminately referred to by this term. To-day psychology lays bare the error of making a cleavage between reason and the "passions". Far from being incompatibles, it is shown that they are intimately intertwined. With the exception of those immediately after birth, even sensations, primitive as they appear to be, are modified by reason. The part it plays in desire is an important one. It is a state of tension in which a present condition is compared with one more favourable to the self. As such it is not an unintelligent force driving the self aimlessly hither and thither. It is the self that desires, and its desire is always for definite objects. These objects are conceived of as valuable for the self, and they are valuable because the self sees in them its own realization. It may then be said that the self creates its own objects of desire. Similarly, sentiments contain a strong rational element. On the other hand, will, or reason on its practical side, has its foundation in the "passions". Mably himself points out that without the stimulus of the passions or sensations there could be no will. Modern psychology shows that all acts of will are preceded and accompanied by feeling.

If it were true that the "passions" are unrelated to the self on which they act from without, that they are unbridled forces seeking only their own realization, and that they need a supreme effort of reason to prevent them from driving the self to disaster, we should expect to find the lower animals, whom we credit only with rudimentary rationality, to succumb under the weight of their own vices. But animals do not live lives of

dissipation. Their very narrowness and instinctiveness maintain them on a path true to their own nature. It is because human beings are rational that they are also able to compass their own ruin. Their reason gives them the faculty of choosing, and in choice there is danger. We are able to dwell on the objects of our instincts, impulses and desires, to give them prominence, and weave around them ideas and feelings into a complex which we call a sentiment. It is true that a sentiment appears to reject everything that seems to be inimical to its object and accept what is favourable to it. Nevertheless reason is an essential element in it.

As Mably pointed out, it is an important function of reason to collect instincts and desires into a systematic whole, to harmonize them so that they may serve the self in its endeavour to realize the end which it has set up. Character is the habitual manner in which reason regulates impulses and desires to conform with consciously conceived ends.

“ THE KINGDOM OF GOD IS WITHIN YOU ”

When Mably asserted that we must look for happiness within ourselves and not in external objects, he stated a half-truth which needs careful definition. Feeling is, of course, a subjective state, and it is a truism to say that happiness lies within us. The important questions to answer are firstly, how this subjective condition is affected by external objects; secondly, how such influences can be consciously controlled; and thirdly, to what extent it is demanded for the full development of self that feeling should be controlled from without.

William James points out that it is difficult to distinguish between the “me” and the “mine”. We may ask whether our bodies are “ourselves” or whether they belong to us, or, as an ascetic might assert, whether they are entirely separate from us?

William James has shown that, in its widest sense, a man's "me" is the sum total of all he can call his. When he sustains a loss, he experiences a shrinkage of his personality—a psychological phenomenon which is separate from his regrets over shattered expectations. This is true whatever the loss may have been: a material possession, a friend, the esteem of others, or a mental faculty. The more widely a man allows his sympathies to develop, the more they embrace objects which he cannot control, the more does he expose himself to the risk of loss and its attendant pain. The Stoics taught that the surest way of achieving contentment was to dispossess oneself in advance of all that lies beyond one's control. Life begins with renunciation. The lower we place our aspirations, the more easy will they be of achievement. Happiness depends not only on externals but on the ratio between our desire for them and our fulfilment of them.

The narrowing down of personality by renunciation is, however, no solution to the final problem of how the self is to receive its fullest realization. As Mably saw clearly, every individual needs a certain minimum of the necessities of life before he can begin to live a human existence. Without that minimum his higher faculties will be hampered in their activity. What this physical minimum should be is difficult to determine. Over and above this there are amenities of life differing widely from individual to individual, which cannot be sacrificed without injury to the self. Such are personal adornment, the fine arts, books, etc. It is here that the difficulty lies in determining the point beyond which personality ceases to grow, and receives injury instead. Mably clearly realized the problem, but his solution lay in the vague term "mediocrity". Coupled with his reiterated statement that the passions must not be suppressed, or, in modern phraseology, that the self must be allowed to find its realization in external objects, this contention shows

how meaningless is the dictum that happiness is within us and not in things external. Were this not the case, it would be the formula for the most absolute selfishness, for it prescribes a concentration on self which would exclude contact with the destinies of others.

THE GOLDEN RULE

The golden rule rests on the assumption that human beings are identical, physically, mentally, and temperamentally, that they all share one philosophy of life, that the general circumstances under which they live are identical, and that the immediate stimuli to which a particular individual is at a given moment exposed are known and can be adequately understood by his neighbours. These assumptions are infinitely wide and are in reality untenable. In so far as they are valid—and they hold good in a large part of the humdrum-of every-day existence—the golden rule is on firm ground. But its application to cases where the assumptions do not hold is perilous, and is responsible for such disasters as persecution, religious and otherwise, and religious wars. It can be argued with great plausibility that, even as we should be grateful for being rescued from menacing danger, whether we were aware of the danger or not, so it is incumbent on us to tear any fellow creature from impending peril. The process may be a painful one, but it will be worth while so long as what is gained is of greater value than the price paid. When it is a question of saving one's soul, no cost in physical suffering can be more than insignificant; and burning at the stake becomes Christian charity if the sufferer is thereby cured of his mortal sin and saves his soul from eternal perdition. The sincere persecutor will honestly maintain that he would desire to be treated in the same way should he so lose his head as to stray from the true faith.

The same danger threatens every walk of life. The

individual generally takes the narrow view and judges others by the criteria which are the outcome of his own restricted experience. Strong as may be the hold of an abstract principle on his imagination, it will only have an air of reality for him when some particular event can be brought within its scope. He may begin to realize the validity of the golden rule when the acts of others have unpleasant consequences for himself. If he has not experienced the evil results of a particular type of action, he may not even realize that, if done by himself, it could be unpleasant to others. And even if he did, he will generally seek for reasons to justify his act, to make it an exception to the rule or to take it bodily out of the particular forbidden category. The golden rule thus fails as an infallible guide to right conduct.

VIRTUE

In his treatment of the virtues, Mably was very much influenced by Plato. The great importance in his attitude lies in its strong social, as opposed to individualistic, bias. Man must live in society; his salvation cannot, therefore, be achieved by the narrowing of his interests to the compass of his own soul. The unit is not the individual but mankind, or at least the state as a whole, and it is in his relation to the whole that the individual must seek to realize himself fully.¹ The recognition by Mably of the essentially social aspect of human nature and of impulses which drive men to sacrifice of self for some higher social end should have induced him to revise the theory of self-interest. It is true that self-seeking and self-preservation are fundamental to the very existence of the individual; but it is a mistake to attempt to bring all action under these heads. Man does not act as a rule out of a conception of any ultimate good that his actions may bring him. Even to-day, in spite of all the popular

theories about calories and vitamins, few people think of the nutritive values of their meals. Nor does the man who dives into shark infested waters in an attempt to rescue a stranger have before his mind the value to himself of such an act. He does not think of his own good, and, if he is conscious of anything at all, it is a desire for the good of another coupled with his own risks, without even the thought of reward in the hereafter—in which he may not even believe. Conversely, men do not abstain from evil deeds out of fear for the consequences to themselves. The vast majority of men do not commit murder or robbery, simply because they do not desire to do so, and without reference to results. It is true that man cannot realize himself at his best unless he leads a moral existence; the reason must be sought in the essential sociability of his nature. It is false to assert that man lives morally in order to reap the rewards which it will bring him either on this earth or in heaven. The acceptance of religious beliefs is, therefore, not necessary for morality, and Mably's claim that piety is a virtue falls to the ground. This does not mean the denial of the circumstance that many acts or restraints are prompted by the fear of consequences; it only denies their morality. Mably's attempt to harmonize his theological upbringing with Greek philosophy was a failure, for it led him into inconsistencies. If, on the one hand, a rational being will recognize that his full development and happiness can only be attained in a life of virtue, it is inconsistent to assert that a life of virtue is a life according to God's ordinances, a divergence from which will bring down His wrath. Mably made the discrepancy worse by maintaining that the virtuous life can only be lived by those who believe in God. If the former view is correct, then virtue as such is unrelated to the idea of a supreme and avenging Being. An examination of primitive religions shows conclusively that gods

were frequently conceived of as being on a much lower moral level than those who worshipped them, and were not thought of as "supreme judges". It is odd that this should have escaped Mably's notice, for Plato himself protested against the low level of morality of the gods as envisaged by his countrymen. It would be truer to say that, as man's conception of morality develops, so he drags his gods along with him.

If we are to act merely in order to comply with the commands of an external being, however august, they lose all moral significance; the idea of rewards and punishments as directing conduct removes all ethical foundation from it. Leibnitz found his solution to the problem of bringing moral conduct into line with God's will by asserting that good acts are good, not because they are in conformity with the will of God, but that as God is good He approves of right action. The distinction between this position and that adopted by Mably lies in the limits which he puts to the power of human reason. To him there were certain ordinances of God which cannot be understood and which have to be accepted on trust. The farthest that reason can go in such matters is to recognize them, but not to explain them. In its practical application, the "will of God" doctrine has militated against the mitigation of much misery. If we recognize a condition as an act of God, all attempts to remove it must be sinful. That this position is morally untenable was admitted by Mably's attitude towards religious inspiration, which, to him, could only be valid if it could stand the test of reason. His advocacy of the persecution of atheists and deists had, in reality, no religious significance, for it was entirely based on what he believed to be the welfare of the state.

Strictly speaking, temperance is not a virtue. Indiscriminate restraint is valueless in itself although it may accidentally result in good, just as it may, on the other hand, have evil effects. The deliberate control

of our impulses and desires is of value because it enables the individual to husband his energy so as to give it the maximum utility for his consciously conceived ends. Those ends may in themselves be either good or bad.

It is worthy of note that Mably considerably widened the Platonic view of courage as relative to physical dangers, and included under that designation what we call moral courage. He saw clearly that it is a necessary concomitant of liberty, and here at least he was in harmony with Pericles, whom he so passionately denounced as a prime cause of the decay of Greek morality.

What Mably calls "the love of glory" is really a number of fundamental instinctive impulses and, in consequence, not a virtue. William James calls it "social self-seeking" which manifests itself in the desire to keep ourselves noticed and approved by our fellow creatures. It may be that this "love of glory" is of immense value to society, but if, as Mably admits, great actions are prompted by the hope of reward in the public admiration which they bring, they are done from selfish motives, and can in no way be regarded as virtuous acts.

The account given of "the love of work" is meagre and unsatisfactory. It is evident that only the love of certain kinds of work is virtuous. Beyond the fact that it must be useful it is left undefined. It is not easy to see what Mably meant either by "useful" or by "work". If "useful" means "conducive to good", then this so-called virtue should read, after applying Mably's own qualification, "the love of work conducive to good", or the love of a certain type of good deed. This is in itself no virtue, for it does not follow that we do those acts of which we approve. Moreover the good loved may be a narrow good having references only to ourselves.

The reason why Mably saw in the love of work a

virtue was that it solved for him the problem of what to do with our leisure hours, during which time we can easily fall victims to our passions. It is an urgent problem to-day, and one which still lacks solution.

THE IDENTITY OF THE NATURAL AND THE GOOD

Mably's disgust with the artificiality of fashionable Paris life, coupled with his innate predilection for simplicity, made it easy for him to seek his ideal mode of existence in Nature, and finally to equate the good with the natural. His assertion that the good life is a life according to Nature is, however, unacceptable on two grounds. In the first place, there are many natural conditions—pestilence and floods, for instance—which Mably would himself have agreed fall outside the category of good. He would, possibly, have endeavoured to explain away such phenomena by maintaining that the ways of God are inscrutable, that He is wiser than we, and that what we may view as an evil is, in reality, good, and falls within God's perfect scheme of the universe. For an instance of Mably's attitude in this respect see Note 51.

This is, of course, no explanation, and the attitude would be challenged even by many good Christians. Mably's own account of the origin of society is a denial of the goodness of Nature; it was, according to him, on account of the intolerable conditions which prevailed in the state of Nature that men were forced to abandon it in order to seek their good.

In the second place, Mably omitted to give an account of what he meant by "Nature" and "natural". The difficulty is to find the line of demarcation between the natural and the non-natural in human matters. From one point of view at least it is possible to bring everything under the head of "natural". If we assume,

as Mably did, that man possesses, apart from intellect and instincts, a free will, and, if we assume these to be "natural", as indeed we must, then everything which directly results from them must also be natural. Society and all that it implies is then natural—villages which grow into towns crammed within a restricted area with consequent overcrowding and disease; the desire of men to better their condition or to gain security, even if that may involve the exploitation and the misery of their fellows; the very things which we call artificialities, which arise out of a desire to please or to impress those around us, and so forth. If gregariousness, a love of esteem, a desire for happiness, self preservation, etc., are part of man's make-up, and, therefore, natural, then also their expression must be, whether that be found through selfish channels which exclude the well-being of others, and may even recoil on the subject's own head, or not. In short, it is impossible to define the natural, and it is in consequence of no help to demand that we should live according to Nature. If, with Mably, we cry "Back to the land", and uphold the "simple life", it would be futile to seek our justification in the intentions of Nature. It must rest on arguments drawn from observations, that certain lines of conduct are beneficial and others harmful, as, for example, that it is unwise to drink more than a certain quantity of alcohol. To wish to drink more may be "natural" in order to maintain warmth or to drown sorrow.

THE RELATION OF ETHICS TO POLITICS

Mably consciously adopts Plato's view that ethics and politics are different aspects of the same science. In spite of the fact that he draws the corollary that the state must actively concern itself with even the most intimate acts of the citizen, it seems at times

very doubtful whether he would have been willing to accept the logical outcome of his position. It is not clear to what extent he would have admitted that men cannot be made moral by legislation. And even had he been willing to make any concessions in that direction, it would still remain a matter of speculation as to what that really meant. He maintained that legal enactments can only have force in so far as they do not run counter to the spirit of the people ; that unless people have arrived at a certain stage of moral development, they will ignore the law. On the face of it this would seem to imply that legislation cannot make men moral. Nevertheless the fact remains that Mably thought that the state can gradually lead the citizens, so long as its laws are only slightly ahead of their stage of development. (See Chap. XIII, Part II, "Reform".)

That there is an intimate relationship between politics and ethics arises out of man's essential sociability. Both ethics and politics have, therefore, a common origin—man's nature. Ethics begins with the inner aspect of man's being—human good and the needs and rights arising out of it. It is in consequence closely concerned with the external conditions under which he lives. It must criticize social and political institutions in order to ensure that they help and do not hinder his progress towards the ideal which it has set up for him. Conversely, politics, acting from without, must consider how best the state can be organized so as to give the individual the maximum opportunity for achieving his ideals. It must be guided by ethics.

The real problem is, to what extent the state should interfere with the conduct of men in the interests of morality. Mably was generally in favour of placing no limits on it. The essential factor in moral action, however, lies in its emanation from the free will. The moral being is moral because he is free to do evil. The state, then, should endeavour to sweep away all such

conditions as may induce men to evil acts and thought—poverty, oppression and ignorance, for instance—but it must be cautious in its adoption of coercive measures, for compulsion checks morality, and the gain may not repay the loss to personality. The justification for Factory or Sanitary Acts, or for legislation to prevent drunkenness, is not to be sought in the beneficial conduct of those who are compelled by them to do good, but in the greater freedom from conditions hampering the growth of personality which is provided for those who come under their influence.

The manufacturer is not a philanthropist by reason of the improved conditions of work in his factory, the householder is not an altruist because of the measures he adopts to prevent his refuse from injuring others, and the potential drunkard does not exercise moral restraint in his sobriety which brings benefits to family and community alike, if they are merely the outcome of external measures. Particular individuals or groups of individuals or even the community at large may benefit by these coercive measures, and be able to live fuller lives; but that is another matter. This does not mean that coercion cannot bring even moral growth to those coerced. It may happen that the very act of compulsion will bring the individual to realize the necessity for a certain line of conduct which he will subsequently follow freely, even were compulsion removed. It is also sometimes possible to prevent people by compulsion from forming habits, not only injurious in themselves, but such as seem to shatter all moral foundation to their character. Legislation relative to such matters must needs be of a very delicate nature lest it should create more harm than the good it seeks to achieve. Freedom of the will in the individual can at times be best attained through a measure of external pressure, just as social freedom needs the support of many devices involving compulsion. The free will is, however, a very sensitive commodity, and

the patriot is easily transformed by conscription into a shirker of his duty.

THE HELPLESSNESS OF REASON

Mably's position in regard to his assessment of the powers of reason lies between the anti-intellectualism of writers such as Mandeville and Hume, who saw in it only a tool at the service of the passions, and the cult of reason of the French *Philosophes*. It is an attitude which goes back to antiquity, and which was taken up by a number of Mably's immediate predecessors and contemporaries, among them Montaigne, la Rochefoucauld, Pascal and Mme. de Schomberg. Like Fontenelle, la Rochefoucauld and Montaigne, he admitted the necessity of the passions for retaining the soul in activity; like them he felt that they generally get out of control of such a poor disciplinarian as reason. Mably's point of view bears a striking resemblance to that taken up by Professor Graham Wallas in our own time. Whilst recognizing the imperative necessity for bringing the full force of human intellect to bear on our social and political problems, it admits that few have the necessary moral and intellectual equipment for seeking adequate solutions.

In his despair, Mably found consolation in the indisputable fact that, after all, the government can only consist of a few men, whilst the mass of the population, which is born to follow blindly, may well be led by their intellectual and moral superiors. What he, unfortunately, failed to disclose, is how the governing few and the body of the people, on the one hand, is to be identified with the handful of moral intellectuals and the herd respectively, on the other. How are the few competent legislators to be discovered and willingly adopted by the mass of the population, who are driven hither and thither by their passions, who are too stupid to know where their own good lies, and

who have no desire even to hear the truth? Mably did not even enunciate the problem in spite of deploring that the wrong people almost invariably secure the reins of government. The very fact that he found only too ample reason for protesting against the inadequacy of those in power should have shown him the emptiness of his view that organized society would be impossible were all men equal in physical and spiritual powers. To say that society would be impossible were all men on the same intellectual level since none would be willing to obey those whom they could not recognize as superiors is an assertion that not only ignores facts but misunderstands the nature of organization. Mably was right when he stated that society meant co-operation; but it does not involve his interpretation of the term—the rule of the masses by their moral and intellectual betters. If we choose others to govern us, it is not necessarily because we recognize them as being of a higher stamp than ourselves; it is generally because we are happy to find those who are willing to take off our hands duties dull and arduous, or at least less congenial or less remunerative than the occupations on which we are engaged. We thereby gain a class of professional rulers who are specialists in the technique of governing, just as members of other professions are specialists in their particular spheres. They form a link in the division of labour of the community; but that is the most that can be said of them. We do not necessarily see in them an intellectual aristocracy. They are specialists only in the sense that tailors or doctors are specialists, and their work is subjected to at least the same amount of criticism. It is because, in spite of the anarchic side of human nature, men feel the need of society that they are also willing to accept what society implies—organization. That is why they are even willing to abide by the commands of those whom they may actually consider their inferiors. The majority

are, in fact, quite indifferent to the mental qualities of their rulers, so long as the latter do not encroach too far on the realms which they particularly cherish.

NATURAL LAW

Mably's definition of Natural Law as "the law of equality among men" is inadequate because he dealt with much as deriving from the former which cannot be brought under the head of the latter. It meant to him a whole system of rational ethics, deduced from human nature, man's environment in relation to it, and finally on a conception of human destiny. Mably did not attempt to unravel its full implication, and, in his hands, it becomes synonymous with "common sense". As a "sole and sufficient" guide to politics, international relations and moral conduct, it is highly unsatisfactory. He himself admitted that perhaps only a thousand men have been possessed of the untarnished reasoning faculty that is requisite for its interpretation, since the beginning of the world. How then can we ever hope to learn its provisions, particularly as it is necessary to be one of these thousand in order to recognize and appreciate the others? Moreover, the reasoning faculty, even of the most clear sighted, is inadequate to the task of perceiving and of interpreting the problems which confront men, taken either individually or in the mass. It can only succeed when it acts on a large body of knowledge, and the knowledge gained solely through the experience of an individual is quite insufficient. Mably, of course, admits this and is consequently inconsistent on this point. The admission is fatal to any argument which rests on the adequacy of reason. The question arises, how much knowledge is necessary for arriving at a true result? With such complex entities as man and society, the requisite knowledge

is so immense and so difficult to secure that no solution can be absolutely reliable, and Mably on one occasion deplored that "we can never be certain of absolute truth". A common sense view or a rational deduction may appear so only because certain factors have been overlooked, which, if given their true value, might well lead to quite another conclusion. It is true that it is dangerous to act on irrational conclusions; but it is equally true that even logical deductions cannot be accepted with safety unless they begin from full and sufficient premises, and of this we can never be certain in human affairs. We can only proceed by a painful and costly process of trial and error, hoping that the experiences gained may be correlated and used as stepping stones to something better, but with the knowledge that most of them will be forgotten, misinterpreted and wasted. It is a process which will doubtless go on to the end of time. Mably's great mistake was an over-simplification of the problems which he had to face. It was one of the outstanding errors of his century, from which he was only in part saved by his intense pessimism. He actually realized the complex character of social science, but the acute agony of the condition of France seems to have made him forget this in his impatience to escape from the situation.

According to Mably, two derivatives from natural law are, firstly that human happiness is the aim of life, and secondly that men should have every facility for full self-realization. What he omitted to show is the compatibility of the two deductions. That they are compatible is by no means self-evident. It has often been argued that it is unkind to bring education to certain classes of the community; for whereas without it they would be happy and content, with it they would aspire to better and unattainable things, and so become unhappy. It is true that this argument has, as a rule, been based on false assumptions; never-

theless, it is quite conceivable that men can be reduced to an unthinking, vegetating, contented condition resembling happiness. It is equally conceivable that the full development of men's faculties need not necessarily bring them happiness; it will give them significance and purpose, but that is not the same thing. To hold up happiness, then, as the end of political effort, might demand a policy totally different from that which starts from man's full realization as its aim.

Another deduction from natural law is that the same political principles are applicable all the world over. If differences in climatic conditions make men in various parts of the globe temperamentally different, that only makes it necessary to "apply these principles in varying proportions". Mably did not explain what he meant by the phrase. Principles cannot be applied in varying proportions; they are either applied or not applied. It is, therefore, not easy to see what he had in mind with regard to the application of the principles of equality and of the rule of law—the two examples given by him—in different proportions. It is doubtless nothing else than a carelessness in phraseology, and was meant to indicate the need for different institutions in different parts of the world which should embody those principles.

NOTE ON THE ORIGIN AND DEVELOPMENT OF SOCIETY

Mably forms a link between the older supporters of a contractual theory and the evolutionists of more recent times. A disciple of Locke, he nevertheless does not seem ever to have followed him in his exposition of a social contract. In his later years he rejected also Locke's picture of the primitive state of man, and adopted that of Hobbes. The important point is that he saw society as the outcome of growth.

Theology on the one hand, and ignorance of facts since brought to light by biologists and anthropologists on the other, prevented him from tracing man's progress in society in a way which we could accept to-day. Nevertheless, he may be looked upon as a precursor of modern social evolutionists.²

The rejection of a social contract theory compelled Mably to seek in man's nature the justification of protest against social evils. It was no longer on account of a breach of contract that men had a right to protest and even to revolt for the establishment of their rights; it was now because, without those rights, men were hindered from attaining to that full state of mental and moral development which they could and ought to reach. It was not with the conscious and avowed purpose of securing to themselves certain fundamental goods—life, liberty and property—that men agreed to associate; they did so because it is their nature to live together. They are endowed with social impulses which compel them to seek each other's company.

It is unfortunate that Mably deemed it necessary to follow the conventional acceptance of a pre-social state. It did not aid him in his argument, and led him into contradictions. (See "The identity of the natural and the good") (p. 184.) Since his system begins with the nature of man, and since that includes man's need for society, the assumption of a pre-social condition is not only irrelevant but actually inconsistent.

HISTORY

Mably's attitude towards history was a product of his zealous desire for man's morality and happiness, and of his fear that human powers are inadequate to their moral task. He felt that everything must be sacrificed to man's true end, and he was willing even to go to the length of relinquishing truth, incompatible

as such a course would have been with his better convictions. In his hands, history ceased to be history, and became a course in practical ethics, which included politics. In his anxiety to arrive at the conclusions which he had at heart, Mably was not willing to follow a chain of events wherever it might lead him and to accept the truth, whatever that might be. Truth had already assumed for him a definite form, and history became little more than a store of illustrations from among which he could choose those which gave support to his theories, neglecting the remainder. He was, therefore, gravely lacking in scientific spirit, and it is this which mainly vitiates his value as a historian.

His very treatment of the subject is the negation of its object. Above all, in Mably's eyes, history is to show us that we should be moral because it pays to be moral. The statement is self-contradictory; for it is of the essence of morality that it is demanded for the integrity of society, whatever the consequences to self. An act which is done for the sake of the reward it brings is, therefore, neither moral nor immoral. In the second place, Mably's willingness to have recourse to insincerity, if need be, is in itself incompatible with his end. It, moreover, implies the justification of a breach of trust which, in the hands of anyone but the perfectly wise and moral historian—a being whom the very premise makes impossible—can lead to the gravest misuse of authority and become the justification of propagandist machination. Finally, it is lacking because it is willing to leave too little to individual intellect. In spite of his assertion that history must receive acceptance owing to its rational appeal, all that he was prepared to leave to the reader was the adoption of the views presented to him. Mably was highly distrustful of the powers of human reason. He may, of course, have had every ground for his doubts. Nevertheless, it is precisely the necessity to choose between various alternatives that can best develop

man's intellectual powers and is, moreover, essential for the very existence of morality.

The demand that the historian should give his accounts the air of impartiality, although written with a deliberate moral bias, touches on an important problem. Should history be impartial? Assuming that a perfect exposition would be impartial, two questions at once arise: Is a perfect exposition possible? and, if not, is it not better to be frankly biassed than to attempt impartiality? It is inconceivable that any man, and particularly one endowed with the intellect necessary for the sifting of historical evidence, should have no leanings, moral, political or otherwise. The very fact of education produces prejudices. In particular, specialization, which brings about an intimate familiarity with one sphere of knowledge at the sacrifice of others, tends to throw relative values out of perspective. A historian cannot present all facts but must be satisfied with general groupings and with a choice of what he considers to be facts of special significance; and the estimation of significance, and consequently choice and emphasis, will be determined by personal leanings. It is true that bias may have no rational foundation and may be the outcome, for instance, of temperament. But the particular manner in which temperament or sentiment finds expression is largely determined by the intellect and by the factors which have gone to its formation. A well-educated man is, then, not necessarily aware of his prejudices, as Mably readily admits. And, even when he is conscious of a bias, he cannot be certain that any effort on his part has overcome it. It is an organic part of self, so that it always remains present. We cannot set it aside; we can at best oppose to it a counterweight. The effectiveness of this check depends on a true valuation of the bias, and this cannot be made with certainty. It may even result in an emphasis in the opposite direction. Although an attempt must

be made to present a true picture, there is much to be said in favour of allowing prejudices to be obvious to the reader; he will at least have an incentive for consulting other sources and for checking against them what he has already read. This is precisely what Mably wished to avoid, and it was this attitude of the schoolmaster instructing those who have not yet arrived at the stage when the critical faculty should be exercised that irritated many of his contemporaries.

Mably's great historical work, *Observations sur l'histoire de France*, has much of merit in it. It shows keenness of vision, and, with its boldness of outline and coherence of material, it presents a picture that is at once clear and striking. Unfortunately, his moral zeal caused him to forget his own precepts, so that he was at times carried away to the extent of losing all historical sense. He was aware that conceptions of morality change from age to age; he emphasized the fact that even outstanding men are the product of their epoch—of their surroundings, national traditions, customs and so forth. Yet he ignored this, and judged historical figures, not by the standards of the times in which they flourished, but by those which he himself set up. The reason is doubtless that he intended history to be a school of ethics, and that he was consequently unable to admit standards lower than those which he desired to establish. It is in his histories of Greece and Rome that his anxiety drove him into the absurdities of Dante's *De monarchia*. In order to prove that virtue is rewarded, he was compelled to close his eyes to inconvenient facts, which cannot well be ignored. It is tolerably certain that, but for his obstinate and blind zeal, Mably would have shrunk with disgust from the very Romans and Spartans whom he held up as models.

To use history solely as a proof of the utility of moral conduct is futile on Mably's own premises. He rejected the theory of state personality and maintained

that the happiness of a country only means that of its inhabitants. But, since we are confronted by the spectacle of vice triumphant and of innocence and virtue suffering martyrdom, Mably was forced to look for justice in the life to come. For him, the purpose of history is to show that divine justice is manifested here on earth. But since the fate of a state has only meaning in so far as it finds expression in the happiness or misery of individuals, to say that states receive the rewards and punishments commensurate with their morality signifies nothing else than that the individuals comprising these states gain their just rewards in this life—a conclusion rejected by Mably.

Nor is Mably's explanation, that wicked nations prosper to-day simply because other nations are still more wicked, tenable. The explanation would hold only if a definite standard of morality could be set up which could serve to measure the relative viciousness of nations. Such a gauge is, of course, impossible, and Mably's argument reasoning in a circle—since one country prospers and another declines, it is a proof that the former is less immoral than the latter; and since the former is less wicked than the latter, it is only natural for its fate to be happier. That Mably was himself somewhat worried by his conclusions is indicated by his admission that wicked nations have been able to subjugate virtuous ones owing to their possession of superior force.

History cannot be a school of ethics as Mably wished it to be. But that does not imply that it cannot serve to teach moral lessons. It can, for example, show the need for morality among individuals if civilization is to make progress; or that honesty and good faith between governments is essential to the well-being of mankind. In a sense then it can show that morality will bring happiness and vice misery—but not necessarily to the individual practising them; and that is the important point.

Nor can it be accepted that the only useful lessons which can be drawn from history are those with a moral implication. History recounts the experiences of others and can, therefore, be of service in the innumerable activities of man. The consequence of this is that no events or situations should be hidden, but they should all be at the disposal of anyone desiring to uncover some particular aspect of truth.

COMMUNISM AND PROPERTY

It is clear that there is no justification for classing Mably as a communist. He certainly thought that men could only be truly happy under communism, but he was equally emphatic that such an organization is impossible to-day, and in this he resembled many of his contemporaries. There are, nevertheless, several points of contact between Mably and modern socialists. In the first place there is his humanitarianism, his stand for respecting the dignity of man, and his, at least theoretical, assertion of equality. Furthermore, he saw clearly that there cannot be political and legal equality where there is no approximate economic equality; and his denunciation of private property was largely prompted by the conviction that it virtually fetters the working classes. For the very fact that the law does not regard them as slaves actually makes their lot the more desperate; it is the modern protest of advanced opinion against wage slavery. Another important tenet was that, as private property exists only as a state-given privilege, the state retains a hold over it, and can impose the conditions under which it may be held. To Mably, therefore, absolute private property did not exist. The consequences of this doctrine can be logically driven to the farthest extremes—confiscation, in the name of the public good, without compensation—a corollary which Mably would at times have rejected.

If he sometimes referred to state function and ownership, they do not denote an understanding of socialism in the modern sense; they went no further than what the feudal state had been in the habit of claiming for itself. Solidarity and collectivism were conceptions which arose later, and were the direct product of an extensive proletariat consequent on the industrial revolution which had scarcely begun to be significant in his lifetime.

The farthest Mably was willing to go in actual practice was to endeavour like Harrington to bring about a better equalization of wealth by preventing the growth of large fortunes; this was to be achieved by the regulation of inheritance, by restriction of land tenure, by sumptuary laws which would make excessive wealth useless, and so forth. It is not certain whether he would have approved of such modern methods as the taxation of higher incomes and fortunes in order to provide the poorer classes with essential services such as education; one might easily infer that he would. On the other hand, he was quite definite that the only fair method of taxation was to levy it on land alone, as it is unjust that the landless manual worker should be made to pay for the protection of land which is not his. The implication is that land represents the only form of property. It is a view which can quite easily be erroneously deduced from the physiocratic standpoint that land alone is productive of wealth.

Of the various theories advanced by Mably to explain the origin of private property, none puts it down to a psychological urge. Even the account which rests on the desire of man to retain the fruits of his labour, which Mably adopted from Locke, takes its stand on justice, and not on psychology. It is to-day generally held that private property is in part the expression of the instinct of self-preservation. The acquisitive impulse manifests itself early in life long before one can assume the existence of any complex chain of reasoned

thought or any act which could make appropriation justifiable on the grounds of labour expended by the infant. Thus the origin of private property must be sought in the impulse of self-preservation; and the problem arises to what extent environment can be organized to deprive the acquisitive instinct of survival value and so enable it to find adequate outlet in things insignificant to the well-being of society. The problem envisages the possibility that the desire for gain is not the only incentive to work. It is here that Mably joins hands with advanced thinkers of to-day like J. A. Hobson. Both recognize in public spirit a strong incentive to make the best use of abilities, and both suggest that public honours might be the reward of conspicuous public service.

EQUALITY

Mably's passionate desire for equality, and the liberty which is its corollary and real object, received a rude check whenever he thought in terms of the actual human beings with whom he was surrounded. Extremely distrustful of the populace, he was quite unwilling to place the fate of the country in its hands. Clearly as he recognized that those who are excluded from any share in government become exploited by those who are not, he was in actual practice averse from allowing the working classes any voice in the direction of their own destiny. His solution to the dilemma was nothing better than a pious hope like that of Voltaire that their moral and intellectual betters would rule them and, by detaching themselves from class prejudice, safeguard the interests of the poor. The solution was particularly inapt, for Mably's life was an unending protest against the rise to power of those unfit to govern. Although he recognized that progress was only to be effected through the painful process of trial and error, that experiment was necessary

to the vigorous life of the state, democratic government, in the present-day sense, was to him a device certain to bring disaster. Until the proletariat was better educated, it would be unfit to participate in government. The very events of the French Revolution teach that the only satisfactory method of political education is political activity, and Mably himself clearly realized this. Hazardous as democratic government may be, it is perhaps the only way to make citizens capable of ruling wisely and of ensuring the vigorous life of the community. Mably admitted that those who are deprived of a share in government will cease to be interested in the welfare of the state and will, as it were, cease to have a country. To maintain, as Mably did, that only possessors of landed property have a real interest in their country is to misunderstand the nature of society and of its organization into manageable communities. Men live in communities because it is fundamental to their nature to do so. The urge is prompted by the need of association for physical and spiritual growth. Each individual has, therefore, a direct interest in the conditions prevailing in the community in which he is lodged—whether this be taken to be his village, province, country or the world as a whole. He cannot escape from those conditions, and if they are such as to thwart the growth of his personality he is intimately concerned in their modification. He may, it is true, endeavour to divert the pressure of circumstances to other shoulders, be apathetic about it, or even be ignorant of its very existence; but the fact remains that, were things otherwise, he would have a better chance of realizing what is best within him. The possession of land has, as such, nothing to do with the matter. Indirectly it may induce its owners to seek solutions with a definite bias which will regard their own economic welfare as the most important factor in the life of the state, to the neglect of the well-being of the rest of the community. It is possible that

what Mably had in mind in this connection was the consequences of military enterprise. It is true that invading armies ravage the countryside. But it must be remembered that it is not only landowners who suffer on those occasions. It must also be borne in mind that, although one speaks loosely of the territory of a country, that territory does not, as a rule, belong to the state but to private individuals who remain in possession of it in modern times, whether it be transferred to another allegiance or not. To restrict the franchise to landowners is therefore indefensible. Nor is it plain how this restriction can square with Mably's organization of the state into orders; for he did not conceive of the latter as being composed of landowners alone.

It has been seen that political equality was to him not a necessity. The processes of government, including elections, were not a right but functions. But if they are functions only, we are entitled to ask how we can ensure that they are faithfully carried out so as to comprise the interests of the non-participants; and on this point Mably is silent. Even social equality is considerably modified. To him it meant, ultimately, economic equality and equality before the law. Unless people were approximately on an economic level, he saw that there could be no political equality, and that even statutory equality before the law would become a dead letter in practice. He nevertheless recommended the retention and even the development of the feudal system of rights and privileges under which "right" would cease and justice would be based on the significance of men as belonging to particular orders. The orders were, it is true, to be equal among themselves, but it is difficult to see the meaning of this. To base liberty on a multiplication of orders to the extent that the social distances between them became minute seems pointless in view of the fact that the distance between those at the extreme ends would still remain as vast as before.

LUXURY

Nowhere is the influence of contemporary conditions on Mably's thought more apparent than in his views on luxury. The evils of extreme extravagance on the one hand, and of as extreme want and misery on the other, were clear to anyone who cared to see them. His observations on questions of fact—the degrading effects of both wealth and poverty—are apt; but the remedies he proposed are open to criticism. Not only could they not be effectively enforced, but their very severity would tend to induce other forms of corruption.

It is not clear what exactly Mably meant by luxury. It is a term that does not permit of general definition; for things which may be readily acknowledged as luxuries for one person may be deemed necessities for another. It is evident that he thought all men should be entitled to the necessities of life. Although he often advocated the abolition of all amenities above this minimum, it would seem that such expressions were voiced in a spirit of propaganda. He was not an ascetic and he combated asceticism. Even his denunciation of the fine arts was really levelled at the exaggerated cult of them during his life-time. That he himself appreciated beautiful things is proved by the inventory of his furniture taken after his death. It was simple but choice, and included pictures by some of the great masters, among them Van Dyck.

His methods for securing a more equal distribution of wealth—sumptuary and agrarian laws, restriction of industry and commerce, his peculiar form of inheritance law—are all suspect to-day. We do not fetter industry and commerce in order to make them less productive, but we are exercised rather how to bring about both a greater yield and a better distribution of it. State ownership, joint ownership between capitalist and worker, "partnership" in industry,

income tax, inheritance tax are some of the remedies which are applied or advocated to-day. The incomes of the poorer sections of the community are increased by the provision of free education, police protection, sanitation, medical attendance, pensions, unemployment pay, poor relief and the like. It would be a mistake to endeavour to reduce the productivity of industry as a whole, for, in spite of the wide differences in wealth, the very rich exist in such small numbers that their excess would not suffice to bring up the general standard of living of the community to a level that would be deemed adequate by many social reformers. It is true, as Mably pointed out, that much energy is diverted from essential work to the production of luxuries; but the remedy does not lie in the prohibition of the latter, but in securing a reduction in their demand, either by means of raising their price by taxation, or by driving them out of the category of man's wants by the reduction of large incomes, also through taxation.

LAW

In spite of the soundness of many suggestions for the reform of criminal law and procedure, symptomatic of the strong humanitarianism of his day, Mably's treatment of the underlying theory of law is perhaps the least satisfactory part of his work.

His contention that men would always act correctly if they were fully rational and so would not need any positive law makes the assumption that the state only takes cognizance of criminal acts. Even if men were fully rational and moral they would need regulation, and the very existence of a state postulates organization and, consequently, municipal law. The moment the state undertakes any activities, and in fact its very existence implies that it must, municipal law is called into existence for the regulation of those acts.

Its internal organization, its relation to other groupings whether internal or external, its relation to individuals, its regulation of the relations between individuals, all these require legal enactments, although the latter do not necessarily imply obligation. The functions of the police force in our large modern states are not exhausted by its suppression of crime, as Mably himself saw.

It is, of course, true that many of the relationships between individual and individual, between the state or the lesser body and the individual, and even much of the activity of the legislative machine itself, are regulated by custom. All this Mably rejected as pernicious. He regarded the law of custom as unsatisfactory, probably because he was impressed by the iniquity of many of the feudal customs which still oppressed the peasants. It does not follow, however, that because some quasi-legal customs are bad they should all be superseded by statutory law. What the state must do is to stand ready to nullify as far as it can those customs which oppose, or are likely to oppose, the true interests of its citizens, as it may conceive them. Were all relationships to be determined by state law alone, we should on the one hand have the very mass of legislation which Mably deplored, and, on the other, hamper that freedom of voluntary action which is necessary to the existence of morality and growth. Mably himself saw that legislative enactments should not run counter to the spirit of the nation, which, after all, finds its expression in customs. In a conflict between the latter and law, it is often the law which must give way. Law is, in fact, frequently the legalized expression of custom. Just as law should be an attempt to preserve and foster the interests of the community and of the individual, so custom is the unregularized expression of the similar efforts on the part of the community, sometimes misguided, sometimes wrong-headed and sometimes archaic, it is true.

His dislike of customary law and his distrust of the rectitude of judges drove Mably not only to reject equity but, even as Bentham did later, to deny judges the power to interpret law. The position is untenable, for no law can be framed with enough precision to meet all cases. Mably is inconsistent here also, inasmuch as he would impose on judges the duty of refusing to administer all laws which they deem unjust. This would place in their hands the very power which he desired to remove.

Mably's contention that the death penalty is justified on the grounds that the individual has handed over his right of self-defence to the state, and that it is unjust that the murderer should be in a better position than his victim is badly grounded, although it has an element of truth. In so far as capital punishment is essential for the protection of the state and of the individual it would have a strong measure of justification. But the question is whether this contingency arises in the ordinary course of events, in highly civilized and stable communities. Mably also omitted to consider whether the murderer or traitor had any rights. Should law be only retributive and protective, or should it be reformatory also? If so, much can be said against the death penalty. And if criminal law is to be preventive, by striking terror into the heart of the potential criminal, we might well ask what other moral effects such legal acts of terror will have on the rest of the community. Nor is Mably's contention that the condition of the murderer should not be better than that of the murdered man a logical justification for capital punishment. Not only may the victim have suffered nothing, but he may even then be enjoying heavenly bliss, the reward of a life of good deeds and of hardship, whereas the culprit may at the same time be undergoing the tortures of remorse.

When Mably asserted that "impartiality of laws

consists principally in the establishment of equality in fortunes and in the dignity of citizens", he was on firm ground. Although Acts of parliament may prescribe the same law for all, the expense involved in securing their application often places an impenetrable barrier against the obtaining of justice by the poorer classes. This applies equally to civil and criminal matters, for, whereas lack of the necessary money may prevent a man from enforcing his rights at law, it may also prevent him from making an adequate defence or from filing an appeal against an unjust judgment. The prejudice sometimes shown by magistrates in favour of members of their own social class and animosity towards those of inferior rank amply prove the second part of Mably's thesis.

Mably's extreme view that culprits should only be arrested if taken in the act will, if read in conjunction with his denunciation of obtaining evidence from witnesses, place the majority of criminal deeds beyond the reach of the law. Here as elsewhere Mably's attitude was induced by contemporary conditions, and his exaggerations were due to extreme and barbarous tendencies in the opposite direction. The vicious state of the law of evidence seems to have blinded him to the fact that evidence, if carefully sifted and regulated, is essential to the maintenance of justice. For, although it may be better to allow a criminal to go unpunished in the case of doubt, rather than to imprison an innocent man, yet it must be borne in mind that it is also unjust and dangerous to the life of the community to make the probability of escape from the law high. It is a one-sided view which prompts Mably to denounce the calling of witnesses on the ground that it destroys the love and confidence which men should have for one another. If the confidence of a criminal in his fellow creatures is diminished by the admission of evidence against him—and it is not certain that this is altogether bad—the confidence of his victims is thereby increased,

and the balance is doubtless on the right side. Moreover, an informer can find his justification in his duty to society, and in the unburdening of his own conscience which may become implicated by an enforced secrecy. The instances where the refusal to bear witness can be upheld, as where the intimacy which is presumed between husband and wife would make such an act of the one against the other revolting, must be rare.

The frequently exercised prerogative of the French executive to set judicial decisions at naught persuaded Mably of the undesirability of the right to pardon. Yet the application of his own principles would show that the prerogative of mercy is essential to justice and respect for law. To believe that conduct can be measured against an Act of parliament in order to arrive at an easy and accurate decision as to whether the act has been infringed and to what extent, is to take an over-simplified view. Not only do mistakes occur, but opinions vary widely as to the punishment which a certain breach of the law merits, and the penalty may be out of proportion to the crime. It may also happen that a sentence ought not to be carried out for reasons which have only manifested themselves after its delivery, or because, owing to the faulty framing of the statute, an action has come within its scope which was not in the intention of the legislature. In all these instances it is essential that the judgments should be reconsidered without delay. If this will at times give an opportunity for the exercise of executive bias, it must not be forgotten that, as Mably maintained, it is better to take the risk of allowing a criminal to escape punishment than to let an innocent man suffer an unjust penalty. The risks of a miscarriage of justice on the part of the executive are minimized by the strict manner in which Mably retained the authority under the control of the legislature. A minister would always have to be prepared to vindicate his conduct before the assembly, and the chances that he would

endanger his position by a flagrant act of favoritism are small.

The right to pardon would, furthermore, act as a safety-valve for popular indignation, which would otherwise endanger the authority of the courts in cases where, e.g., a convicted man is clearly shown to be innocent and could only regain his liberty after the whole paraphernalia of a fresh and protracted trial has been gone through.

The remedies proposed by Mably for the venal condition of the French courts are open to serious challenge. He demanded that the law should be so simplified that any man may master it with little trouble. It is true that French law was in a chaotic condition in the eighteenth century, and that it was susceptible of a large amount of simplification. The modern state is, however, such a complicated organization that its regulation demands a body of law that requires special study. Nor is it sufficient even for a fair-minded man merely to know the law in order to be a good judge. That demands a particular technique which can only be acquired after many years' experience. Human conduct is so infinitely varied that no two cases are ever identical. The apportioning of judgment to circumstances is, therefore, a task of the greatest difficulty. In the second place, popular election of judges, which Mably recommended to the Poles, is a most unsatisfactory mode of recruitment. It presupposes an electorate of such a level of wisdom and integrity as is never met with. Voters are not only ignorant of the qualities requisite for the making of a good judge, but they will generally be swayed by considerations quite irrelevant to the matter in hand. The experience of those States in America, where this mode of recruitment exists, is that political considerations often enter into the choice of judges. This not only reduces the chances of the best selection being made, but it also tends to influence judges in their

decisions. Particularly is this the case where, as Mably recommended, their term of office is short. For, even when they are prevented from seeking re-election until after the lapse of a short period, they will be tempted to retain the goodwill of their electors in order to secure office again on some future occasion. The knowledge that his tenure of office is secure is much more likely to cause a man to pass judgment in accordance with his sense of fairness than when he is actuated by the necessity to go before the electorate at a future time to consider the effect of his decisions on his supporters. The objections that life-tenure makes men careless of their duties and, in advanced age, unable to fulfil them may be met by placing the power of dismissal on the ground of unworthy conduct in the hands of the legislature under conditions which would put the use of this right beyond the reach of politics, and by the prescription of an age limit. The fear that life-tenure subject to good behaviour would induce aspirants to office to intrigue for the removal of those in their way is, on Mably's own admission, probably groundless.

Popular election of judges is moreover undesirable, as it prevents the choice of the best type of man, to whom the process of canvassing votes is distasteful.

The view that preambles to statutes should set forth the principles underlying the act, the good which is to be expected from it, and the evils consequent upon its breach, is an expression of the strong belief in the powers of reason. This recommendation stands in curious contrast to Mably's low opinion of man's intellect, and he admitted that it would be foolish to expect a statute to gain the backing of the country merely on account of its rational appeal. In actual practice most citizens are entirely ignorant about the bulk of the laws of their country, and only vaguely realize the general tenor of those which immediately affect them. Few, apart from lawyers, ever trouble

to read through statutes, and then generally only if induced to do so by the prospect of financial reward. Even then, it is probably the preamble which, owing to its having no immediate practical bearing, would be the section of the statute which would be skipped. Far from the preamble of an Act being able so to influence public opinion as to make the law acceptable, it is because the abstract principle on which it is based is already realized by the public, however vaguely, or conceived of only in its translation into some particular concrete terms, that the law has been called into being. It is clear that we do not accept laws against robbery and murder simply because they have made an appeal to our reason and shown that those crimes should be put down. And even in cases, such as the Acts relating to compulsory education or to national health insurance, where there has been initial opposition and final keen support, the underlying principle of social betterment for the poorer classes has been strongly appreciated, and only its externalized forms momentarily doubted. Conversion to those Acts was not secured by any statutory appeal to reason, but by the practical benefits secured by their operation.

LIBERTY

Mably's emphatic demand for liberty stands in curious contrast to his desire that the state should minutely regulate the activities of its citizens. When he speaks of the former, he is actuated by a deep-rooted distrust of governments; when he deals with the latter, he is impressed by the untrustworthiness of the individual. If it be true that the French conception of equality is that the government should trample on all alike, Mably would certainly furnish an example. It is, of course, only the ideal government which should be permitted to make the severe regulations which he desired, and, we must

assume that, so long as this ideal government is not established, we must continue to strive for liberty.

The contention that liberty is necessary for the moral and intellectual development of man is at least as old as Aristotle. Although he adopted this view it was precisely in the field of morality that Mably would have reduced citizens to slavery. It is on account of his fear of what men will do if left to themselves that he wished to curtail both freedom of expression and of religious beliefs. In the main, this was prompted by Mably's conviction that the state must be kept independent at all costs. Internal strife, whether the outcome of opposing political or religious doctrines, would weaken the state and give foreign powers an opportunity for aggression. The desire to limit the freedom of expression is common to most human beings, albeit that the line of restriction is much more widely drawn by some than by others. Probably every human being would find that there is something the expression of which he would be unwilling to tolerate; with Mably it was anything which might undermine the independence and integrity of the state, without which the individual could not find his full development. Mably really had no sense of the true significance of liberty. It is true that it can and must exist apart from independence and licence. It implies a wide field of freedom of action for the individual, restricted only by the needs of corporate existence. These needs demanded, in Mably's opinion, such extended safeguards as to squeeze the realm of liberty entirely out of existence. State regulation was to be so exacting and minute for the sake of liberty and morality as to stifle both.

The problem of when the right of revolt arises and when a revolution is justified is left unsolved by Mably, as indeed it must remain. Civil strife resolves itself into the justification of the victor when both parties act from conviction. The difficulty was seen

by Robespierre on the occasion of the overthrow of the French monarchy and of the 1791 Constitution.

During the debate in the Convention on the subject of whether the king should be tried, Robespierre maintained (December 3rd, 1792) that the king already stood condemned, and it would in consequence be retrogression to try him. He went on to say: "It is a counter-revolutionary idea, for it is to put the revolution itself into litigation. In fact, if Louis can still be the subject of an action, Louis can be acquitted; he may be innocent; what am I saying? he is presumed to be so until he has been tried. But if Louis can be presumed innocent, what becomes of the revolution? Is it not still uncertain and doubtful? If Louis is innocent, all the defenders of liberty become calumniators and the rebels the friends of truth and defenders of oppressed innocence."

INTERNATIONAL RELATIONS

Mably's experience in foreign affairs enabled him to emphasize the gravity of such dangers as secret diplomacy, equivocal and superannuated treaties, the apparent impossibility of guaranteeing the carrying out of treaty obligations, and the growth of executive power in war-time, which have forced themselves into prominence in our own day. Although there are those who would deny either the reality of these dangers or the possibility of dispelling them, there is a strong body of opinion which views them as presenting problems of the first importance. Other questions raised by Mably are, on the other hand, much more controversial, and his recommendations would receive a more serious challenge. In the first place it is questionable whether war can ever be a blessing. Mably was of opinion that the American War of Independence would have had a valuable moral purging effect had it gone on longer. The aftermath of war presents the very

conditions of misery and poverty, which are productive of vice and crime; whilst the very process of war demands the repression of humanitarian feelings and calls forth a callousness of life and property which is carried back into civilian existence after the cessation of hostilities. It is true that one hears of great acts of heroism and self-sacrifice during wars; but that does not mean that wars are needed for the development of character. War is a state of emergency, and every state of emergency calls forth exceptional efforts on the part of man, whether they be soldiers, lifeboat crews, or relief workers in mine disasters or in epidemics. Heroism on the battlefield is more spectacular, and strikes the imagination more than the self-sacrifice of many men and women who try to bring a little happiness and comfort into the squalor of our slums. Indifferent and selfish men may perform acts of altruism under the stress of war, but it is highly improbable that they return to civilian life with a keener sense of their duties to their fellow creatures, and with a stronger urge to minister to their well-being. If altruism only retains its added strength during war-time, the price of it is far too high for it to be a valid justification for international strife. The same may be said of the other benefits attributed to war, some of them real enough, such as that men who have never left their native villages are given a wider view of life, but a view that embraces in its width brutality and horror. If the Franco-Prussian War brought Germany the blessings of unity, the latter cannot by themselves form a valid justification of it; it would also have to be shown that union could not have been attained by any other method, and secondly that the method actually adopted did not produce evils far outweighing the advantages secured. There is much evidence to suppose the impossibility of either of these tasks.

It is not difficult to understand Mably's advocacy of compulsory military service. To him the choice

lay between the inefficient mercenaries of his day, and what he imagined to have been the glorious citizen armies of ancient Greece and of republican Rome. The thorough unreliability of the militia and the demoralizing consequences of the French system should have made him hesitate before advocating conscription whole-heartedly. Serious doubts have been thrown by military experts on the wisdom of the British government in exchanging the voluntary system for compulsory military service during the recent world war, and, contrary to Mably's assertion, it is maintained that conscripts are not as efficient as volunteers. Far from compulsory service instilling patriotism, it appears to arouse a sentiment of animosity against the state in the breasts of those who are deprived of some of the best and most ardent years of their lives. The proportion of those who look upon that period as wasted, and their duties as a curse to be circumvented if possible, is very high. Far from mercenary armies indicating tyranny, they are to be found in those countries with which one associates the greatest development of liberty—Britain and the United States of America, for example. The argument, too, that mercenaries are evil because they take with them into civilian life the habit of obedience, seems to lack point. It is true that military discipline has the effect of inducing a habit of unthinking obedience; but this could apply equally to conscripts. It has been urged that until the last few years the German people have been easily organized and gave habitual obedience to their government on account of their military system. The assertion may be true or false; the point is that Mably's argument is at least open to challenge.

Connected with his advocacy of compulsory military training is Mably's view that whilst continually striving after peace a nation should prepare for war. It is a belief which was controversial in his day, when Kant pointed out that the very existence of armies

menaced peace, as it is in our own when, in spite of the terrible calamity of the last few years, which was not prevented even by the immense preparations which had been made for war, nations are as busy preparing for it while they discuss world peace at Geneva and elsewhere. Mably's vindication of wars of self-defence becomes very dangerous, particularly when he admitted that aggression may only be apparent and may be provoked. Ultimately it is the country itself, or rather its government, which must judge whether it feels itself menaced and insecure. The question what constitutes menace or insecurity is difficult to answer, and a government can always find ample justification on those grounds for embarking on an aggressive war of self-defence. The stipulation that a country should only go to the extent of defending its frontiers and should never invade enemy territory manifests an unwillingness to face facts. It would expose the defending country to the inconvenience of having the war fought on its own soil. Even self-defence demands the securing of strategic positions, and of harassing the enemy at one point in order to relieve pressure at another, both of which may demand incursions into enemy country. Thus in the late war the majority of Germans were convinced that they were struggling for existence. Threatened on all sides, their armies endeavoured to subdue France rapidly by a march on Paris, so as to leave her free to protect herself in the east. It was argued that were she to await attacks from all sides at once, her frontiers would be vulnerable. Experience has shown that it is useless to lay down rules of self-defence; when existence is at stake, any device which offers a hope of preservation seems preferable to annihilation.

Like his contemporary, Burke, Mably recognized the intimate connection between a country's foreign and home policies. Looking at it from the standpoint of the country itself, it caused him to demand a rational

attitude towards other states. Had he viewed the proposition from the opposite end, it might have struck him that the fact that the foreign policy of a state closely concerns the welfare of others embodies a serious challenge to state sovereignty and to the maxim that no state has the right to concern itself with the internal affairs of another. The claim of intervention is as old as the formulation of a theory of sovereignty; for if Bodin in the *Six livres de la république*, 1577, asserted the omnipotence of the sovereign, subject only to the law of God and of nature, Duplessis Mornay, in the *Vindiciæ contra tyrannos*, 1578, claimed the right of intervention on behalf of oppressed Protestants. The interest which human beings take in one another is not necessarily limited by the extent of national territory, and humanitarian and religious sentiments refuse to be restrained by frontiers; we are shocked by massacres of Christians in Turkey or of Jews in Russia, and we demand the liberation of slaves in Africa or in Burma. Nor is this all. The world is in a very real sense a unit, as Mably recognized; it is in consequence useless to attempt to divide it into mutually exclusive parts. Economic interests cut right across national frontiers as do thoughts, diseases and electric waves.

Ever since the French Revolution, when in 1792 the Scheldt and the Meuse were thrown open to the merchantmen of all nations, the feeling that the domestic conditions of a country are in some respects the concern of others has found acknowledgment in numerous international treaties. Thus the Congress of Vienna (1815) and the Convention of Mannheim (1868) restricted the rights of the German states over the Rhine and its tributaries in the interests of international trade, and the same thing applies to the various treaties regarding "international" rivers. The interdependence of states is perhaps nowhere more dramatically manifest than in the realm of epidemics,

which do not recognize frontier posts. It has found recognition in such conventions as those relating to Phylloxera (1878 and 1881) and Cholera and Plague (*e.g.* 1893). Similarly the protection of birds useful to agriculture and the suppression of obscene literature are subjects recognized by treaties to have more than mere domestic interest. The need for the protection of nationals, of patents, copyrights, trade marks and the like has resulted in the limitation of sovereignty by convention. It is perhaps in the industrial field that the severest challenge to sovereignty arises. Ever since the Berne Convention of 1906 prohibiting night work in factories for women, and of white phosphorus, demands for setting a minimum standard of conditions in industry have become more and more insistent. It is felt that the standard of life of the working classes is strongly affected by that prevailing in its competitor. Interest in the domestic affairs of foreign nations is, therefore, one's own domestic affair. Of such vital importance is this to the life of the nation that it may well be asked whether such internal matters as affect the welfare of other states should be left under the control of those who, by their shortsightedness, foolishness or egoism, may retard the progress of mankind. The difficulty is, of course, to devise an authority which can claim the obedience, in matters of international concern, of state governments.

SEPARATION OF POWERS

Convinced that the power of the state must be divided if tyranny is to be averted, Mably set himself the task of finding a way of avoiding the deadlock which the physiocrats saw would arise out of Montesquieu's system of separation and balance. Unfortunately, Mably saw only half the problem, and his solution of making the relationship of executive to legislature that of dependence would by itself fail to reach its object.

Emphatic as he is as to the paramount importance of a rigid separation of these two powers, he nevertheless showed a marked tendency to diverge from this standpoint when it came to practical matters. Thus it would appear that the executive alone should propose such new legislation as is not comprised in the mandates of the constituencies. If we consider that elections are often fought on one issue only, and that it is quite impossible for voters to give an organized expression of views on more than a small fraction of the questions which even a short period legislature is called upon to face, the immense superiority of the executive over the members of the legislature in matters of fresh legislation becomes obvious. It is an important breach in the maxim of separation. To what extent Mably would have been willing to allow the heads of the executive to sit in the House is not clear. Theoretically, of course, they were to be entirely excluded. But two points must be remembered in this connection. In the first place Mably was insistent on the importance of thoroughness of debate and rationality in legislation. The preambles of statutes are to explain the reasons which prompted their proposers to bring in the measures. Moreover, these measures are to receive full consideration before adoption or rejection. The only satisfactory way of ascertaining a man's view is, not for others to debate them, but for himself to explain and defend them; in short, it demands the participation of ministers in debates. In the second place, Mably insisted on the responsibility of members of the executive to the legislature. Here again, this is only possible if ministers are called upon to justify their acts in the House. Valuable as this is for the control of executive action, it is also valuable to the executive for securing support in the legislature; in continual contact with affairs the knowledge of ministers must of necessity far exceed that of the ordinary member, and a skilful choice of facts may well obscure the true position and so gain

them support where censure is due. In this connection it is not clear what Mably meant when he demanded that ministers should not be liable to dismissal. One may ask of what use is censure if it does not carry with it an assurance that the evil in question is to cease. Mably's guarantee is ministerial reparation. But it must be remembered that reparation is often impossible, either because the blameworthy act does not admit of it, or because the damage done is much in excess of the capacity of the wrong-doer to make amends. As a guarantee this is, therefore, illusory ; it is so furthermore because it cannot ensure the non-recurrence of the censured act. There appears, moreover, to be nothing to prevent the resignation of an executive officer on the grounds that the policy advocated by him has been rejected by the legislature. To demand that men should execute orders of the first importance against their firm conviction is to demand that they shall surrender their morality and self-respect. Mably realized this in connection with judges, whom he would make to swear never to apply any Act of parliament which ran counter to their consciences. It is true that he thought that such a contingency could not arise if, as he recommended, the executive were chosen by the legislative assembly from among its own members. But just as the electorate cannot foresee the problems which may arise during the life of the next parliament, and can only choose its representatives on a very small number of issues, so too the parliament cannot choose an executive that is certain to harmonize with itself for more than a very short period. And this is particularly true where, as Mably advocated, parties do not exist. The truth of this is shown by the history for the last half-century of the French legislature. Mably made the position still worse by his practical recommendations : the executive is to sit for three or four years. Parliament, on the other hand, is to hold office either for one year or for three—apparently

according to the degree of maturity of the country. Overlapping in the periods of office is certain seriously to disturb the harmonious relationship between the two bodies, for ministers chosen by one legislature may be entirely distasteful to the next.

The argument against the exclusion of ministers from the legislature which might have made the strongest appeal to Mably is to be found in the need of their presence to prevent hasty and irresponsible legislation. Only those who are directly concerned with the carrying out of functions can fully realize the problems which they encounter. To prevent the framing of statutes which, whilst embodying commendable principles and apparently desirable provisions, are impossible to administer, the presence and the free expression of opinion of those who have to direct the execution of those measures is essential.

It is precisely because the executive is in close touch with affairs and so can formulate a consistent and comprehensive view, impossible of attainment by a large and mixed body like a legislative assembly, particularly one which may be dispersed for as long as three years, that it alone is in a position to formulate a practicable policy. Mably seems to have had an inkling of this when he recommended that the executive council should meet in order to bring into harmony the administrative acts proposed by the various executive departments. This provision would be meaningless if the executive had only rigidly to carry out the orders of the legislature. What it implies is that the executive must be given at least wide discretionary powers; that is to say, even if it cannot direct the policy of the state, it can at least direct it within limits and within those limits it virtually carries on legislative functions.

It is in fact impossible to divide power into mutually exclusive fields. It is only possible to think of it as comprising various categories of which the lines of

demarcation are vague and which are ultimately so intimately connected as to act together. The endeavour to make a clear-cut division in the United States has led to disaster, and to extra-constitutional means for securing contact between legislature and executive. Mably himself retained certain executive powers in the legislature, such as examination and control of fortifications, army pay and promotion and the declaration of war. The complexity of modern states makes it imperative for the executive to be endowed with wide discretionary powers in certain spheres, that is to say, to give it legislative power within certain limits. Nor is it possible for an Act of parliament to envisage all eventualities in connection with a certain type of action. The process of applying an Act of parliament to a particular case in a court of justice, is, therefore, not the simple matter that Mably implies it to be. Human conduct is so infinitely varied, and language is so inadequate for the precise expression of thought, that it is often not easy to decide whether or not an action would come within the provisions of a statute. The decision which ordains that certain cases fall within the meaning of the Act, and that others do not is, therefore, in a sense, a legislative act, more specially when it is taken as a precedent in subsequent cases.

THE LEGISLATURE

It was Mably's disgust at the corruption and intrigue which characterized contemporary politics that made him reject secrecy in all domestic affairs of the state. Secret voting at elections seemed to him wrong both on the score that men should have the courage of their convictions, and because it opened the door to corruption. A reference to parliamentary elections in England would have made it clear to him that publicity is no safe-guard against corruption. Nor are the circumstances which led to the agitation for secret ballot

reassuring that man's courage to give free vent to his political opinions is as a rule a match for economic pressure. It is because voters are to be protected from intimidation by those who have a hold on them, whether the latter be employers, a church or neighbours whose displeasure is sufficient to make life a burden, that secret voting is, in fact, essential to honesty. It is in the privacy of the election box that they can give free expression to their opinions, at least on one or two points; and it is this circumstance that actually makes the attempt to influence elections by the purchase of votes a hazardous adventure. A bribe can, of course, persuade a voter that a certain candidate is a fine fellow, but there is no certainty that his vote will be cast in the manner expected of him.

The precautions which Mably recommended for the prevention of the acquisition of undue personal influence in the legislature are misplaced. It is by no means certain that relatives will support one another, and many instances can be cited in which members of the same family have found themselves in opposing camps. Nor is it the case that even when they are of an identical shade of political opinion their combined efforts increase the power of the family. It is the party or the group which is the influential unit in modern times, and it is the party or the group as a whole which has to be convinced of the worth of an individual member before it will grant him obedience. A man can hope for more from the friends whom he chooses than from the relatives who are given him without his consent. The provision that members should not be permitted to sit in two consecutive legislatures is inimical to good government, particularly when their term of office is, as Mably recommends, only one year. The period is too short for them to become thoroughly at home with the intricacies of procedure, and for the House to settle down into the form in which efficient working is possible. If each legislature is to be com-

posed of new members, the experience gained in one will be lost to the next. It is, moreover, when a member retains office for a number of years that his true value can best be assessed and given the attention which it merits. The experience of the English parliament seems to show that successive terms of office do not affect the power a member is able to wield. Many members have sat for decades without acquiring any more influence than the novice, whilst those who rise to prominence are compelled to defend their positions against the incessant criticism of their colleagues, by a continued manifestation of their merit.

The provision that only those who have been resident in a constituency for a definite period should be eligible to represent it rests on two suppositions which, as American experience has shown, are of questionable value. It assumes firstly that only residence in its midst will reveal the worth of a candidate to the electorate. In actual fact, however, a man can be known intimately, if at all, only by a very few. To live in the electoral district is, in consequence, of little use for the gauging of capacity, and as the latter is in the main measured on the strength of hearsay it matters little whether the test of ability has been made within or without the district. Supporters will be able to magnify a candidate's merits and opponents to detract from them to the same extent wherever he has been resident. It is possible that the constituency in question can offer little scope for an aspirant's powers, which can only be put to the test elsewhere. A village may offer little opportunity of the exercise of political qualities, so that the able statesman may never be discovered if confined to it.

Failure to gain election would condemn a politician to an inaction which might deprive the state of the services of some of its best brains. As Mably knew, men of great talent are rare, and it would be foolish to assume that they exist, and are recognized, equally

in all parts of the country. Electors should, therefore, be allowed to utilize ability wherever it may come from. It always lies within its power to refuse the representation of a stranger and to choose somebody drawn from its midst if his qualities make a stronger appeal to them.

Compulsory residence is objectionable on the ground that it leads to parochialism. The interests of the state are not an agglomeration of local interests. The latter are, of course, real; but they have an importance which is conditioned by the demands of the whole. The problems which a legislature is called upon to solve are, in the main, such as affect the life of the state as a whole, so that representatives are actually only remotely and indirectly concerned with matters of purely local import.

If, as Mably urged, members of the legislature should only be delegates and not representatives, there would be no force in the demand for residence, apart from the very doubtful value of the opportunity to assess the political honesty, and the ability to present a case, of the candidates. The mandates themselves would embody local peculiarities, and, as the delegate would be fettered by the former, special knowledge of the latter would be of small service.

The business of government is in fact highly unsatisfactory on the basis of delegation. No constituency can foresee all the matters which will come before a legislature even of short duration. And, even though it could, it would have the greatest difficulty in drawing up instructions for its mouth-piece. The process of continually submitting new questions to the referendum is one which would bring government to a standstill, not only on account of its clumsiness, but also on account of the continual disturbance it involves, and the uncertainty of its results. A representative must be chosen because of his qualities, and he must be given a free hand to make the best use of those qualities in

the finding of solutions to any questions which may arise. Not only is this essential for efficient government, but also for the respect which is due to the representative, either from himself or from those who have chosen him. A delegate who is compelled to advocate the wishes of an electorate on all important matters, perhaps against his conscience or against his better knowledge, must lose all sense of responsibility and must decline morally. A tool in the hands of his constituency, he must lose the quality of personality in their eyes, and so undermine the respect on which social discipline and social order rest.

Mably's recommendation that all Bills should be sent to a committee for examination is a practice which is followed on certain subjects in several countries. His suggestion that they should report to the legislature after a week or ten days is faulty on the ground that all Bills do not need the same amount of consideration. Some indeed require such careful scrutiny, involving recourse to numerous witnesses, documents and expert opinion, as to make the drawing up of a considered report impossible within the short period proposed. Nor is it desirable to fix a definite period for the duration of every debate. Thus a British Budget must of necessity take far more time to discuss than a proposal to amend an existing Act in order to extend its benefits to an ex-convict popularly believed to have been the victim of a flagrant miscarriage of justice.

When Mably suggested that Bills should come up for discussion three times at intervals of a week or ten days, he thought of a legislature, free from parties, in which each member thought and acted independently of all the rest, and each was open to be convinced by valid arguments. It was a legislature such as does not enter the realm of practical politics. The value of discussion in the British parliament, for example, lies, not in the truth which emerges from debates and which is adopted by the House, but rather in the publicity which

those debates give to the pros and cons of urgent questions. These debates have utility for the education of the electorate, but little for the conversion of opponents. The attitude of the party is debated and decided outside the chamber, and supporters of the party are bound to accept and abide by those decisions or renounce their allegiance. Members consequently enter the House with their minds already made up, and the periods of reflection between debates are, therefore, worthless for the purpose of preventing hasty legislation. The same objection holds to the limitation of the period of sittings, in order to prevent brains from becoming exhausted and interest from flagging. Members who have already arrived at an unalterable decision can find little profit by listening to the speeches of others, and they serve their purpose by husbanding their energies for the reading of their own, and for casting their votes when called upon to do so.

It is highly speculative whether the retention of the right of war and peace in the hands of the legislature has any value for the preservation of peace. It is important, it is true, but only as an assertion of the principle of parliamentary sovereignty. The forces which drive a country into war are such as lie quite beyond the control of a parliamentary session. What the legislature is called upon to do is to set its seal on an accomplished fact. The power of parliament to control peace and war no longer exists at the moment when international relations have been strained to breaking-point. All it can do is to make up its mind as to the conditions which are productive of strife and to endeavour to avoid them as much as possible. These conditions, however, have their roots so far back in history, and draw their strength so much from the natural frailties of men, that it is scarcely more than a pious hope that they will be recognized and wholeheartedly tackled for many generations to come. Mably's suggestion for the appointment of a commission

for watching international affairs, for overcoming friction as it arises, for maintaining a constant policy and for influencing public opinion in favour of peace, lacks relationship to actual conditions. For such a body to have real influence and for it not to hamper the smooth working of government, it must needs be in the most intimate contact with the foreign ministry. It would in fact be performing functions which it is already the work of the foreign ministry to perform. It is this department which is best able to perceive international difficulties, and it has all the machinery at its command for retaining amicable relations. In England public opinion is influenced through its political head, whilst continuity of policy is secured, as far as the government deems it desirable, through the permanent staff.

The utility of the appointment of a commission from time to time to investigate the state of the constitution is open to denial. On the one hand it is difficult to see in what respect such a commission would be better able to perceive any damage to the constitution than an active electorate or an opposition party. On the other hand, the commission would be able to enforce its findings only through the medium of the government, and it is presumably precisely the government which is responsible for the deficiencies. No Royal Commission could have made those interested in British politics more aware of the ravages of D.O.R.A. ; and the impotence of Royal Commissions in diverting governments from the path which they have mapped out for themselves is proverbial.

APPENDIX
BIBLIOGRAPHY — NOTES

WRITINGS CONCERNING MABLY

- M. W. GUERRIER : *L'abbé de Mably, Moraliste et Politique*, 1886.
- H. METTRIER : *L'impôt et la milice dans Rousseau et Mably*, 1901.
- L. MICHOD : *Les Théories sociales et politiques de Mably*, article in the *Bulletin de l'Académie Delphinale*, 4th Series, vol. 15, 1901.
- E. ALLIX : *La philosophie politique et sociale de Mably*, articles in *Revue des études historiques*, 1899.
- M. GASCHEAU : *Les idées économiques chez quelques philosophes du 18ème siècle*, 1903.
- P. JANET : *Histoire de la Science politique*.
- A. LICHTENBERGER : *Le socialisme au 18ème siècle*, 1895.
- H. SEE : *Les idées politiques en France au 18ème siècle*, 1920.
- P. ROCHERY : *Mably, théories sociales et politiques*, 1849.
- A. FRANCK : *Notice sur la vie et le système politique et sociale de Mably*, a paper read before the "Five Academies," 25th October, 1848, included as an Appendix to *Le communisme jugé par l'histoire*, 1849.
- L. BLANC : *Histoire de la Révolution*, tome 1, p. 535.
- H. MARTIN : *Histoire de France*, 4th Edition, tome 16, pp. 148 et seq.
- L'abbé BRIZARD : *Eloge historique de l'abbé de Mably*, 1787.
- LEVESQUE : *Eloge historique de l'abbé de Mably*, 1787.
- L'abbé BARTHELEMI : *Vie privée de M l'abbé de Mably*, 1791.
- L. P. de BACHAUMONT : *Mémoires secrets . . .*
- GRIMM : *Correspondence*.
- In the ARCHIVES NATIONALES, Paris : *Scellé après le décès de M l'abbé de Mably*, 23rd April, 1785. *Determinatio sacrae facultatis Parisiensis in librum cui titulus Princeps de Morale*, 1784 (Sorbonne). Letters from provincial Theological Faculties approving the foregoing censure, 1784.
- J. DUSAULX : *Motion faite à la Convention Nationale* (asking for Mably the honours of the Panthéon), 22nd Prairial, Year 3.
- An address by a deputy of the States General, 1789.
- C. de GOURCY : *Des Droits et des Devoirs du Citoyen, dans les circonstances présents, avec un jugement impartial sur l'ouvrage de M l'abbé de Mably*, par un Citoyen ami des trois ordres, 1789.
- THOURET : *Abbrégé des Révolutions de l'ancien gouvernement français. Ouvrage élémentaire, extrait de l'abbé Dubos et de l'abbé Mably*, 1800.
- J. B. ROYER : *Principes de Mably sur la nécessité de la religion et d'un culte public. Extraits du traité de la législation*, 1795.
- MOUNIER : *Observations sur l'état passé . . .* 1790.
Dialogue entre Phocion et Mably, a pamphlet, 1789.
- BERENGER : *Esprit de Mably et de Condillac*, 1789.
- GUDIN de la BRENELLERIE : *Supplément à la manière d'écrire l'histoire*, 1784.
- ALI-GIER-BER : *Examen d'un passage du livre de la manière d'écrire l'histoire par M l'abbé de Mably*, 1780.

- VAUVILLIERS: *Examen historique et politique du gouvernement de Sparte*, (in reply to Doutes), 1769.
- ROUSSET: Historical, political and critical Notes to *Le Droit Public de l'Europe*, 1761.
- CHAMBERLAND: Notes and illustrations to *Observations on the Manners, Government and Policy of the Greeks*, translated from the French of the learned Abbé Mably, 1784.
- K——: *Remarks concerning the Government and the Laws of the United States of America: in four letters addressed to Mr Adams . . . from the French of the Abbé de Mably: with Notes by the Translator*, 1784.
- ANONYMOUS: Editor's Notes to *Maximes intéressantes . . .*
 Translator's Preface to *Observations on the Government and Laws of the United States of America*, London, 1790.
 Notes to *Observations on the Romans*, London, 1751.
Observations sur le gouvernement et les loix des Etats Unis d'Amérique par M l'abbé de Mably, avec des remarques d'un républicain, Dublin, 1785.

MABLY'S PUBLISHED WORKS

together with
the Abbreviations used in the Notes to this Book

"ŒUVRES COMPLETTES"

Observations sur l'Histoire de France	-	-	-	Hist. Fr.
Observations sur l'Histoire de la Grèce	-	-	-	Gr.
Observations sur les Romains	-	-	-	Rom.
Principes des Négociations, pour servir d'Introduction au Droit Public de l'Europe, fondé sur les Traités	-	-	-	Princ. Neg.
Le Droit Public de l'Europe, fondé sur les Traités	-	-	-	Dr. Pub.
Du Gouvernement et des Loix de la Pologne	-	-	-	Pol.
Observations sur le Gouvernement et les Loix des Etats Unis d'Amérique	-	-	-	U.S.A.
De la Législation, ou Principes des Loix	-	-	-	Leg.
Entretiens de Phocion, sur le Rapport de la Morale avec la Politique	-	-	-	Phoc.
Principes de Morale	-	-	-	Mor.
Doutes proposés aux Philosophes Economistes, sur l'Ordre Naturel et Essentiel des Sociétés Politiques	-	-	-	Doutes.
Des Droits et des Devoirs du Citoyen	-	-	-	Cit.
De l'Etude de l'Histoire	-	-	-	Et. Hist.
De la Manière d'Ecrire l'Histoire	-	-	-	Ec. Hist.

"ŒUVRES POSTHUMES"

(Included only in the fifteen-volume edition of 1794-1795)

De la Situation Politique de la Pologne en 1776	-	-	-	Sit. Pol.
Le Banquet des Politiques	-	-	-	Banquet
De l'Etude de la Politique	-	-	-	Et. Pol.
Des Maladies Politiques et de leur Traitement	-	-	-	Mal. Pol.
Du Commerce des Grains	-	-	-	Grains.
De la Superstition	-	-	-	Sup.
Notre Gloire ou nos Rêves	-	-	-	Gl.
De la Paix d'Allemagne	-	-	-	Paix.
De la Mort de l'Impératrice-Reine	-	-	-	Mort.
L'Oracle d'Apollon	-	-	-	Or.
Des Talens	-	-	-	Tal.
Du Beau	-	-	-	Beau.
Du Développement, des Progrès et des Bornes de la Raison	-	-	-	Dev. Rais.
Le Compte Rendu	-	-	-	Compte.
La Retraite de M. Necker	-	-	-	Ret. Neck.
Du Cours et de la Marche des Passions dans la Société	-	-	-	Pas.

WORKS NOT INCLUDED IN ANY OF THE EDITIONS
OF MABLY'S COLLECTED WORKS

Lettres à Madame la Marquise de P. . . sur l'Opéra	-	Opera.
Parallèle des Romains et des Français par Rapport au Gouvernement	- - - - -	Parallèle.
Observations sur les Grecs	- - - - -	Obs. Gr.

LETTERS

In "Le Portfeuille de Madame Dupin," collected by de
Villeneuve-Guibert.

J. B. Champdeval, "Lettres inedites".

Manuscript letter to Mably from Captain Lersé in the
Bibliothèque Nationale, Paris.

MABLY AND THE REVOLUTION

The following is a list of those Notes at the end of this book which contain references to enactments, reports, speeches, journalistic articles and other utterances made during the Revolutionary Period, illustrating some of the more striking points of contact between Mably's tenets and those held in certain influential circles at that time:—

CHAPTER	NOTES
II	44, 62, 76.
III	78, 84, 85, 94.
VI	143, 151, 163, 171, 172, 177, 180.
VIII	204, 204a, 210, 211, 222, 224, 227, 232, 233.
IX	237, 257, 261, 264.
X	275, 285, 288, 290, 299, 301, 306.
XI	308, 328.
XII	343, 360, 382, 384, 393, 394, 396a.
XIII	418, 419, 424.
XIV	476, 478, 479, 480, 482, 485, 486, 498, 499, 500, 504, 510, 514, 517, 518, 519, 520, 521, 522, 524, 526, 527, 530, 531, 532, 534, 538, 548, 550, 553, 560, 561, 571, 573, 575, 582, 583, 586, 587, 590.

NOTES TO PART I

¹ Brizard writes (see Eloge, Note 3) : " Mably was so ashamed of the success of his book that one day, finding it at the house of the Comte d'Egmont, he seized it and tore it to pieces in spite of the people who were present ".

² When Louis XV had been persuaded to place himself at the head of his troops, the council of state was of the opinion, shared by Field Marshal Noailles and Tencin, that the armies should be established on the Rhine ; Mably, on the other hand, maintained that the campaign should be fought in the Low Countries. The King of Prussia concurred in this view, and Mably was proved to be right.

³ Grimm wrote (see his *Correspondence*) : " What above all makes this work infinitely remarkable, is that it is well established that it was written in 1758 ".

⁴ The honour was repeated two years later in the case of Beccaria's *Treatise on crimes and punishments*.

⁵ See his letter to the King of Würtemberg, dated May 26th, 1764, in which he describes Mably as " an honest man, full of very sound views ". The " *Entretiens* " he mentions as containing a " sublime and pure ethic ".

⁶ It appears that an attempt was made to put some of Mably's suggestions into practice. In a letter to him dated September 2nd, 1777, Prince Potocki, writing from Warsaw, related that his suggestions on education were in operation in the Palatinal schools, and asked Mably, or a nominee of Mably working under his guidance, to write a text-book on logic for use in the Polish schools.

⁷ I have been unable to identify this place.

⁸ Grimm wrote (*Correspondence*, January 1st, 1774) : " However estimable all his productions may be, we have seen nothing of his which appears to us written with so much force and warmth. His political views are nearly always based on old myths ; they lack truth, breadth and precision. His philosophy is austere, hard and dry : his style derives from his philosophy." On the other hand he admitted that Mably had a " profound knowledge of history ", was candid, just, impartial and honest. He continued, " If I were king I should not want him for anything but confessor : he would never teach me to do good, but I think he would often prevent me from doing evil ".

⁹ Grimm wrote (December, 1782) : " Following the example of these heroes (the Paris cabmen) he gives himself over without restraint to all the sallies of his bad temper. There is no name, no reputation which can restrain the freedom of his pen ; our most illustrious writers are treated like real schoolboys by him, and the delight of this coarse censure seems in truth to have been the sole object of his book."

¹⁰ An English translation appeared in the same year, and a second one in 1790, also one in Dublin in 1788.

¹¹ See John Adams: "A defence of the Constitutions of Government of the United States of America, against the attack of M Turgot in his letter to Dr Price, dated the 22nd day of March, 1778".

Postscript to letter 55, dated December 21st, 1786, addressed to William Stephens Smith, Esq.—

"The foreign gazettes and journals have announced to the world that the Abbé de Mably was applied to by the United States of America for his advice and assistance in the formation of a code of laws. It is unnecessary to say anything to this, only that it is a part of a million volumes of lies, according to the best computation, which are to be imposed upon posterity, relative to American affairs. The Abbé himself, in his observations, has said that I desired his sentiments. This is true; but the manner of the request ought to be known, that those who think it of any consequence may understand in what sense it is true. Upon my arrival in Paris, in October 1782, upon the business of the peace, the Abbé de Mably's book upon the manner of writing history was put into my hands. At the conclusion of that publication he declared his intention of writing on the American revolution. Meeting the Abbé soon afterwards at dinner at Monsieur De Chalut's, the farmer general, my friends the Abbés De Chalut and Arnoux, who were of the party, informed me that their friend was about writing the history of the American revolution, and would be obliged to me for any facts or memorials that might be in my power. The question was asked: 'What part of the revolution he intended to write? The whole. . . . Where had he obtained the materials? It was supposed they might be obtained from the public papers and inquiry of individuals. . . .' Adams was requested to put the conversation into a letter as the Abbé might not have understood all. 'By this you will see that the request to the Abbé to write upon American affairs was a mere civility and rather a desire that he would not expose himself by attempting a history that he was altogether unprovided for, than any formal request that he should write at all. . . .' We ought to be obliged to any gentleman in Europe who will favour us with his thoughts: but, in general, the theory of government is as well understood in America as it is in Europe; and by great numbers of individuals is everything, relating to a free constitution, infinitely better comprehended than by the Abbé de Mably or M Turgot, amiable, learned and ingenious, as they are."

Extract from the letter in question—it was translated into French, and Adams could not obtain the original in English:—

To M l'Abbé de Mably—

"It is with pleasure that I have learned your intention to write on the American Revolution, because your other writings, which are much admired by the Americans, contain principles of legislation, politics and negotiations which are perfectly analogous to theirs; so that you can scarcely write on this subject without producing a work which will contribute to the instruction of the public and above all to that of my co-citizens." It is too soon, however, to undertake such a history, and no one is in a position to do it. The histories which have already appeared are only monuments to the ignorance of their authors. He gives advice as to works and periods to examine.

"Whether you, Sir, should undertake to give a general history, or simply remarks and observations, similar to those which you have given on the Greeks and the Romans, you will produce a work extremely interesting and instructive in regard to ethics, politics and legislation,

and it will be a pleasure and an honour to me to give you all the slight assistance which is in my power to facilitate your researches." 1782.

¹² "The last work of M l'Abbé de Mably on the constitutions of the United States, has revolted the Americans; in several States he was hanged in effigy as an enemy of liberty and of toleration, and his book was dragged in the mud. This treatment, which might appear more shameful to those who inflicted it than to him who was the object of it, at least proves that the Americans do not like being given advice."

"Mercur de France,"

January, 1785.

¹³ Bachaumont mentions that he bore the curious title of "Chanoine infirmier de l'église abbatiale de l'Isle Barbe".

¹⁴ See *Correspondence*, May, 1790.

¹⁵ Cf. e.g., Mandeville's *Fable of the Bees*, which Mably had read.

¹⁶ "No man can be a politician, except he be first a historian or a traveller", wrote Harrington.

¹⁷ Brizard tells this story: "Marshal de Richelieu one day urged Mably to put himself up for election to the Académie Française; Mably refused. 'But,' said the victor of Mahon, 'if I were to take all the necessary steps and you were accepted, would you consent? . . .' The Marshal pressed him so much and so graciously that, conquered by this generous behaviour, Mably dared not persist, and was practically forced to promise. But as soon as he had gone, he ran to his brother Condillac's, told him what had happened, and implored him to get him released at all costs. 'But why this tremendous resistance?' said his brother. 'Why? Were I to accept, I should be obliged to sing the praises of the Cardinal de Richelieu, which is against my principles, or if I did not praise him, owing everything to his grand-nephew in this matter, I should be guilty of ingratitude.'"

¹⁸ See G. de la Brenellerie, *Supplément à la manière d'écrire l'histoire*, *op. cit.*, and Ali-Gier-Ber, "Examen d'un passage du livre *De la manière d'écrire l'histoire*, par M l'Abbé de Mably". It is probably this feeling of superiority which prevented him from publishing replies to his critics. In contrast to this it is interesting to note that he never permitted a portrait to be made of himself. Those which exist were made after his death. His austerity would suffice to account for this.

¹⁹ Most of his life he had an income of three thousand livres, but in a letter to Madame Dupin, dated Paris, November 5th, 1766, he mentions receiving an unsolicited pension from the Bishopric of Cahors of four thousand livres.

²⁰ *Dix-huitième siècle, Etudes littéraires*. Emile Faguet, p. 146 (2nd Edition, 1890, Montesquieu)—

"There is an antiquity of a certain kind, not false but only mingled slightly with convention, and true with a dramatic and oratorical truth, an antiquity composed of the naivety of Plutarch, of the nobility of Livy, and of the regrets of Tacitus and the anger of Juvenal, and the lofty airs of the Stoics, which puts into the spirit of the men of letters an excellent and precious ideal of austere virtue, of proud simplicity, of slightly ostentatious frugality, of indefatigable energy and constancy which, by the repeated image which it puts before our eyes of dis-

interestedness with a view to a superior end, tends to become a species of religion. The French are very sensitive to this influence."

²¹ Cf. his repudiation of his earlier works, and his admission that he had misjudged the character of Frederick the Great.

²² See, e.g., the following passage from *Des Etats Unis d'Amérique*, Letter 4, p. 221. "My friends sometimes banteringly called me a prophet of misfortune; it is true, Monsieur, that I know men well enough not easily to hope for good."

²³ "The theory of revolutionary government is as new as the revolution which has brought it. You must not look for it in the books of the writers, politicians who did not foresee this revolution" (Robespierre, 5 Nivose, An. 2).

²⁴ Note that in the Year 3 of Liberty (1791-1792) Mounier published his *Observations sur l'état passé, présent et futur de la nation et de l'influence du publicist Mably sur la révolution*, by order of the Société des amis de la constitution, aux Feuillans, that is to say, by order of the party which upheld the constitutional monarchy as expressed in the Constitution of 1791.

²⁵ Mably made nothing out of his works, and scarcely demanded the usual presentation copies. (See Brizard, Elose.)

²⁶ Barnave is typical of this attitude when on May 20th, 1790, in a speech to the Constituent Assembly he said: "I could by way of reply support myself on the very imposing authority of M l'Abbé de Mably; he has constantly thought that the politics of the French nation ought to exist, not in secrecy but in justice; he was not, as he has been called, a mere theoretician". He went on to praise Mably's virtue and ability.

²⁷ Dr. Pub., ch. 5, p. 82.

²⁸ See his inaugural address at the Académie Delphinale, reproduced in the latter's *Bulletin*, 4th Series, Tome 15, 1901.

²⁹ See the letter quoted by Espinas in *La philosophie sociale du 18ème siècle et la révolution*, p. 316, footnote, written by Babeuf to the Citizen G. M. Coupé, legislator, September 10th, 1791. In his defence before the High Court of Vendôme, Babeuf quoted long passages from Mably, Rousseau and Morelly.

³⁰ Rochery in his *Mably, théories sociales et politiques*, 1849, writes: "It is curious to note that his regulations, the excellence of which seem to me to be incontestable, are more or less those which the National Assembly of 1848 gave themselves". These regulations relate to the separation of powers and the limits to each; the prohibition of resolutions by acclamation in the deliberative assembly where the procedure for bills was: a bill was to be handed to a committee for examination; a week after it had been reported on to the assembly any member might speak of it; the bill would be voted on a week later.

³¹ See the Academy's *Bulletin* cited above.

NOTES TO PART II

(The Edition of Mably's works which is used is that of Paris, An. 3, in 24 volumes; the Edition of Paris, An. 3, in 15 volumes is used for references to "posthumous" works.)

CHAPTER I

¹ In his attack on Mercier he writes: "There are no moral and political truths like geometric truths; and our author is wrong to confuse them. No dispute arises over the propositions of Euclid, whereas there is nothing in ethics and in politics upon which men with the best trained and most enlightened minds find themselves in agreement. Whence comes this difference? It is, if I am not mistaken, because geometricians reason about simple objects, and, having necessarily the same ideas about the matters which interest them, they always agree. But politicians and moralists, meditating on very complicated questions, have not the same advantage. Their attention must be focussed on ten different objects at once, each has a hundred different aspects which must be considered with equal attention. Hence the difficulty of agreement since the same conception is not given to the words used. Add to these obstacles which are opposed to the discovery of truth a hundred prejudices and a hundred private interests which mislead us without our being aware of it. Lastly, the passions are aroused and do not hesitate to take as evidence an opinion which is favourable to them. Since it is difficult to be sure that one possesses the truth, since opinion so greatly resembles truth, since there is false evidence which it is so difficult to distinguish from truth, how can one fondly imagine that the force of truth will subjugate all minds and will entrain all wills?" Doutes, let. 2, p. 48.

² "The politics necessary to our happiness is within reach of all men. Its principles are so simple and so obvious. It suffices to take stock of the pleasures and pains which are experienced by our fellow creatures in order to discover the laws best suited to maintain peace and confidence between citizens." Beau, pp. 299-300.

³ See *e.g.*, Opera, let. 4, p. 151.

⁴ Or., p. 17.

⁵ "Is it not true that I must begin by proposing to myself a reasonable goal if I wish to succeed; that is to say, not aspire to a wisdom that could only belong to an angel?" Or., pp. 51-52.

⁶ "Has she (Nature) not given to all men the same organs, the same needs, the same reason? . . . Where will you find a principle of inequality? . . . Nature does not distribute them (talents) with enough inequality for them to establish a great difference in the condition of men. . . . In the original state of men, equal education developed nearly the same talents in all." Leg., liv. 1, pp. 53 and 59.

⁷ "I am strongly inclined to believe that all children resemble one another at birth. Having as yet no ideas (for nobody now believes in the 'innate ideas' of Descartes and Mallebranche), and confining themselves to the exercise of their weak, delicate and scarcely formed senses, they do not as yet experience the germ of any of those passions which will soon excite them. Do they suffer? They enjoy a calm which throws them into profound slumber. Are they roused by a surfeit of repose? They do not think; they obey the movement prescribed to their mechanism, and endeavour mechanically to make use of their limbs. If joy, sadness, anger or a certain gentleness are more noticeable in some children than in others, I would have difficulty in admitting that these differences already indicate divergent passions and characters. As far as one can tell, more or less delicate organs, more or less susceptible to the influence of surrounding objects, more or less robust health, dispose them to joy more equable, more or less keen, or give rise to cries more or less constant, more or less shrill. The child, having but one need, that of nourishing itself, loves only the breast of its nurse which can satisfy it; that is its only need and consequently its only passion. But do the happenings which it experiences at this tender age contribute towards deciding its character? Does the care of its nurse already prepare the senses of the child to acquaint its soul with greater rapidity, justice and force with the impressions which external objects will make on them? Can this care exert any influence over the organs of its brain? Will it dispose it some day to obey its soul with greater or less docility and accuracy? Philosophers, I think, do not know; and even had they perfect knowledge, what fruits could we glean from their enlightenment? How could one pass on their lessons to those nurses who are so little adapted to profit by them? Let us give ourselves up to Nature who labours unceasingly for the development and the perfecting of her work; let us beware of hindering her, she is cleverer than we." *Mor.*, liv. 3, p. 152. "Nothing is perfectly equal in men. The organs of the brain must, therefore, in each one of us be more or less happily disposed to obey the soul and the sensations. This philosophy explains the prodigious difference which we see in the people who surround us . . ." *Beau*, p. 201.

"Men differ from one another owing to the variety of ways in which their passions react on their understanding." *Tal.*, p. 134.

⁸ "If a child has a decided character, do not hope to be able to change it; nature will resist all your efforts; but vigilant care can increase the good you hope for or diminish the ill you fear." *Mor.*, liv. 3, p. 163.

⁹ "You would be right if this quality of the understanding . . . were a special and particular gift of nature and not merely a simple consequence of the manner in which certain great men have worked to extend, enrich and perfect their fortunate dispositions. . . . The Author of Nature does not breathe into the soul of some men a part of His spirit; but contents Himself with a happy disposition of the organs of their brain, and with giving them moderate passions of a temperature which warms and elevates the soul without disturbing it, thereby extending its perceptions and teaching it the art of using without abusing them. . . . That is all that Nature does; the rest is our work, and it is from the manner in which we use these precious materials for the perfecting of our understanding and the tempering and the directing of the movements of our heart, that results this strength, this extent, this energy, this sublimity of reason which we call a flame or a divine breath. . . . The most exalted genius is then still born among us as

gross and as brutish as among the first men and savages." Tal., pp. 145 and 147.

¹⁰ "Perhaps the trepanning operation, by disarranging, separating, or bringing together some fibres of the brain, would turn a fool into a wise man." Tal., pp. 108-109.

¹¹ Sup., p. 313.

¹² "It is necessary for exterior objects to strike our senses a thousand times in the same way, and that a thousand times our senses should apprise our soul of it, before ideas, till then entangled or fugitive, engrave themselves finally in the memory and no longer become confused. Here is already a mass of ideas, but they are so far only particular ideas, or simple material, which our reason must compare, combine and bring together to form general ideas so that they may be of use." Dev. Rais., p. 24.

¹³ "If our understanding had not the faculty of warming itself with the memory of its sensations, so that it seemed to experience them a second time, you will easily realize that we should only have a slow, coarse, lazy instinct, and should be imperiously governed by each of the sensations which succeed one another." Tal., p. 153.

¹⁴ Tal., p. 156; Pas., p. 400.

¹⁵ In those of us who are "more happily born, imagination is not an intoxication, and seems to be given to us to extend the faculties of our souls, to soften our ills, and to make our pleasure more piquant. . . . This moderate imagination does not subjugate reason, but sometimes detaches itself from it; hence what we call castles in Spain." Or., pp. 45-46.

¹⁶ Tal., p. 175.

¹⁷ Tal., pp. 156-159.

¹⁸ Tal., pp. 171 and 183.

¹⁹ Mably is "rather inclined to think that imagination is only an unknown disposition of the fibres of our brain, but one which prevents our intelligence from contemplating the objects which have struck it without feeling the same commotion and, so to speak, the same sensation renewed with the same force". Tal., p. 153.

²⁰ "A good memory is a necessary attribute of talent or genius. . . . It must be a memory submitted to a sane judgment and which only collects and retains the ideas, thoughts and expressions of which it will have need for widening and multiplying knowledge and for communicating it with greater advantage. . . . The memory of a clever man . . . serves him to correct ideas." Tal. pp. 149 and 151.

²¹ "The more I think about it, the more I am convinced that inequality of fortunes and of conditions decomposes man, so to speak, and debases the natural sentiments of his heart. . . . I believe that equality, by maintaining the modesty of our needs, preserves in my soul a peace which opposes the birth and progress of the passions." Leg., liv. I, ch. 2, p. 45. "Pride, so small are we, leads us insensibly to vanity, and from that moment the soul is open to ambition and soon to avarice." Dev. Rais., p. 63.

²² Mor., p. 176.

²³ " . . . You are only a curious mixture of passions and reason, between which there exists eternal warfare. Each passion only hears,

sees or consults its own interests, because it is stupid enough to hope to find happiness in itself." *Et. Hist.*, part 1, ch. 2, p. 25.

²⁴ *Phoc.*, ent. 2, p. 67.

²⁵ " . . . Reason must govern, but without tyranny, and my passions must be within me the citizens of a republic and not the slaves of a despot." *Beau*, p. 267.

"Fear the passions, but do not allow this fear to make you wish to stifle them; you would be going against the will of Nature; be content with tempering, regulating and directing them; that is why she gave us reason." *Cit.*, let. 3, p. 64.

"Nature ordains that man should keep a just mean in all things." *Mor.*, p. 24.

"The interests and rights of soul and body" must be harmonized: they are allies. *Beau*, p. 325.

"The triumph of our reason is to oppose the passions one to another, to make itself master of them, and to hold them in a certain equilibrium which enables one to make use of each according to the need one has of it." *Pas.*, p. 411; see also *Doutes*, let. 10, p. 243.

"We hold the mean, my dear Aristias, between pure intelligences and beasts; let us not be wholly either one or the other. . . . It is to go further than the Author of Nature to wish to destroy our passions; they are His work and immortal like Him; but He commands us to temper, regulate and direct them by the counsels of reason, since it is only thus that they can lose their venom and contribute to our happiness." *Phoc.*, ent. 1, p. 56.

²⁶ " . . . In receiving agreeable or painful sensations the soul emerges from its inaction, thinks, reflects, deliberates, and acquires a will." *Beau*, p. 294.

²⁷ "It appears to me, that without this hasty spur of the passions, the soul would not have experienced any of the spurts necessary to break its shackles and to make it emerge from its ignorance." *Beau*, p. 295. " . . . If the government succeeded in establishing in a society the happiness of which we are capable, I should be anxious—and there is abundant cause for fear—and should hope for movement, action and change of attitude, lest the citizens should slumber in their prosperity. . . . Perhaps a crowd of passions necessary to give force and vigour to the great virtues would no longer make themselves sufficiently felt, and I suspect that the decadence of the great virtues would announce the birth and the progress of great vices." *Beau*, p. 312.

²⁸ "The passions must be strong enough to interest and to warm the heart, and this warmth must be temperate enough to give the fibres of the brain only impacts such as do not bring disturbance, disorder and intoxication into the understanding." *Tal.*, p. 112; see also *Mor.*, liv. 1, p. 26.

²⁹ *Beau*, pp. 297-298.

³⁰ *Mor.*, liv. 1, pp. 17, 23, 30, 32.

³¹ "What I do not understand, and what no philosopher will ever understand, is from what motive God wished to create a being such as man who, through the needs of his senses is lowered to the humiliating condition of the brutes, whilst through his intelligence, he is, to use Cicero's expression, in communication with Divinity Himself." *Leg.*, liv. 1, ch. 2, p. 57.

³² "Men are led to act according to their character, because it would be a great deal of trouble to act otherwise. Whence comes our character? It is, if I am not mistaken, only the ideas with which we have become familiar, which counsel us before we consult them, and form the habits which we have contracted. . . . Our tastes, thoughts and habits are acquired in private life. We want what we are used to and act accordingly. . . . We lead different lives from infancy, and a different education gives us a different way of feeling, judging, willing and acting." *Mal. Pol.*, pp. 216-218.

³³ "Taste is the slave of conventions." *Ec. Hist.*, ent. 1, p. 148.

³⁴ "The personal character of every man is always subordinated to the national character, either because he is linked to it by his education, or because he is obliged to give way to it in order to succeed in his projects. The passions are more or less the same, but, being more or less constrained by the laws or the habits and customs of the nation, they show themselves in different ways." *Ec. Hist.*, ent. 2, p. 200; see also *Pas.*, pp. 425-441; *Mor.*, p. 211; *Et. Hist.*, pt. 3, ch. 1, pp. 298, 299.

³⁵ "The organs of most men's brains are too heavy or too mobile for their mind to be able to see the objects with enough firmness and constancy to know them well. . . . It is the commerce which we have with one another which shapes our reason, gives it an outlet which it approves of, and puts us within range of experiments that enlighten us. The progress which each makes in particular becomes a discovery for the rest." *Dev. Rais.*, pp. 34 and 36.

CHAPTER II

³⁶ "Have you not noticed in all history that the means which people have used for making themselves happy have always been useless when they did not begin by establishing happiness on a foundation of virtue and liberty?" *Gl.*, p. 409.

³⁷ *Mor.*, liv. 2, p. 88.

³⁸ "Happiness is within us and not in surrounding objects." *Mor.* liv. 4, p. 71.

³⁹ "The good morals (*moeurs*) of a people are without doubt the first cause of its prosperity; but good morals consist in esteeming justice, frugality, disinterestedness, work and glory." *Hist. Fr.*, liv. 2, ch. 4, p. 287.

Phoc., ent. 5, p. 232.

"Examine the records of Greece and you will always find the peoples more or less happy, according as a more or less enlightened policy has rendered habits more or less honest. . . . You can always count our calamities by the number of our vices. . . . Such is the order established in things human . . . that the prosperity of states is the certain and constant reward of their virtues; and adversity the infallible punishment for their vices." *Phoc.*, ent. 1, pp. 60 and 62; see also *Rom.*, liv. 4, p. 183.

⁴⁰ *Phoc.*, ent. 4, p. 190 note.

Speaking of Philip of Macedon's successes, Phocion says: "Ambition, injustice, cunning, violence, can doubtless create big empires;

but it is because we oppose those vices only by other vices". Phoc., ent. 2, p. 92.

⁴¹ Mor., liv. 1, p. 9.

⁴² "It is because you still confuse dignities, riches, splendour, power, with happiness, that you want it to be the reward of virtue; but they can at most only procure transient pleasures . . . and transient pleasures are not happiness. . . . Happiness in every individual is peace of soul, and this peace is born only of the testimony it bears that he conducts himself according to the rules of justice." Phoc., ent. 2, p. 89.

⁴³ "What then is this happiness which politics must aim at? It is mediocrity, Monseigneur. . . . A too great prosperity is a burden that we cannot bear." Et. Hist., pt. 1, ch. 6, p. 83.

⁴⁴ "I shall say then, with Cicero in his treatise on Laws, let the citizens be convinced that the gods are the masters of all things, that their providence presides over all, that it is the source of all our wellbeing, and that they keep an exact account of all our actions. That is the first, the most important and the most necessary of all the laws; for if there are no gods there will be no morals. It is impossible to offer to man sufficient motives to induce him to obey his reason rather than his passions and he will only be just to the extent that he cannot evade the vigilance of the laws and of the magistrates." Leg., liv. 4, p. 152. Cf. "If God did not exist, he would have to be invented." Robespierre, in the Jacobin Club, November 21st, 1793.

⁴⁵ "The Author of Nature has imprinted in our hearts the desire for happiness; He has given us needs to satisfy, troubles to avoid, pleasures to seek, and a reason which, being able to rise above the senses which instruct it and which in its turn it instructs, must serve us as guide in the choice of the difficult combinations which we are endlessly compelled to make in order that we may arrive at the end for which we are destined." Beau, p. 202.

"That is what I call, and have the right to call, the beauty which befits us, and which is the work of purified reason; it will never be the fruit of a blind caprice." Beau, p. 204.

⁴⁶ ". . . My reason, minister of the Author of Nature among men and the organ of His will, cries out to me to be just, humane, benevolent, and teaches me to seek my own happiness in the public good, and to unite men by the virtues which inspire security and confidence. . . ." Phoc., ent. 1, p. 55.

⁴⁷ "At all times and in all circumstances ethics has prescribed and will prescribe to men the same rule, the same law. It is to employ the most reasonable means for making ourselves truly happy. . . . But we have agreed that, as our reason is condemned to see only through our senses, and is only gradually developed with the help of a long series of experiences, ethics must prescribe different duties according to the different degrees of development of our insight. . . . Only such duties are imposed by it as we can fulfil. Thus duties are different in the state of nature and in society—for children and for men. . . . The infinitely indulgent justice of God does not judge us by the idea He has of good, but by our own conception of it. . . . At all times and in all circumstances, we have fulfilled our duties when, after sincerely consulting our reason, we are truly disposed to conform to what it orders. It is this disposition of our heart which justifies us in the midst of the errors of our intellect. . . . If I were allowed to say so, I should say that God is pleased with me, because I obey the interpreter which He has given

me, of His will. He excuses my faults because I do not see them; and His goodness is such that I hope that He will reward me for the good which I have not done but which I should have done had I known it; if His justice disarmed by His goodness had been unwilling to pardon a single error or fault, I dare to assert that He would not have created man." Since God only demands the good which we are only able to do and know, the particular road by which we are to reach absolute morality, which is immutable, is prescribed by the state of our knowledge, which is constantly changing. We are ordered to consult reason in the doing of duty in order not to attempt the impossible. Dev. Rais., pp. 43-46.

"There is no doubt that there cannot be pure virtue among men", for even the Spartans fell short in this respect. Gr., liv. 1, p. 38.

⁴⁸ "All conduct can be either good or evil; and it would not be difficult to cite a hundred mistakes and a hundred traits of wisdom which have produced a quite contrary effect from that which one might reasonably have expected from them." Princ. Neg., ch. 2, p. 19. Rom., liv. 2, p. 95.

⁴⁹ *Ibid.*

⁵⁰ "All the works of Providence are as perfect as they can and ought to be relatively to their nature and their end." Beau, p. 38.

⁵¹ When Phocion lays down that it is a function of reason to master and direct the passions in order that they may be useful and not dangerous, Aristias the student rejoins: "Nature has then fooled man with as much perfidy as cruelty. Wherefore this monstrous and grotesque assemblage of opposing qualities? Why has she surrounded us with snares? Why did she not at least give the force and charm possessed by our passions to our reason? Humiliate yourself with me, replied Phocion, before supreme wisdom. We must not be bold enough, feeling ourselves hemmed in on all sides by narrow limits, to wish to understand, embrace and measure an infinite Being. Who are we to demand that He should justify to us His plans and His conduct? What we see of His wisdom should put us into a timid and respectful admiration of that which we do not see. . . . If the Author of Nature wished to reveal His secrets to us we should not understand them." Phoc., ent. 1, p. 56; see also Beau, pp. 307 and 309.

"The human mind is bound up with organs which are too restricted, too weak, too imperfect, at once too slow and too mobile, and at the same time too imperious not to have definite limits. . . . The greatest men have nearly touched them; but in spite of all their efforts have never managed to pass them. . . . Our senses, which make our souls think, are themselves an enormous weight which prevent it from rising." Beau, p. 199.

⁵² Et. Pol., pp. 158-159.

⁵³ Phoc., ent. 2, p. 81.

⁵⁴ "Great riches are so useful to so many different passions, and so useless to the practice of virtue and to happiness, that if they are not in themselves a great evil I cannot refrain from regarding them as the source of great evil because they goad, irritate and inflame all the passions and it is impossible always to fight and never to be beaten" Mor., liv. 2, p. 106.

⁵⁵ "It is . . . enlightened reason which we call prudence and of which Cicero makes us feel the full value when he says that it is she which makes us go back to first causes, study their influence and foresee their effects; '*vivendi ars est prudentia*. . . .' Embracing, in a word,

the whole course of life, she prepares and furnishes us with all that is necessary to us. '*Prudentia sine qua ne intelligi quidem ulla virtus potest.*' Prudence is thus the foundation and prop of all the other virtues." Mor., liv. 2, p. 95.

"In fact, the function of prudence is to permeate the soul with a calm which increases its strength and diminishes that of the passions." *Loc. cit.*, p. 121.

⁵⁶ Prudence is the first of the virtues—justice comes second. *Loc. cit.*, p. 102.

⁵⁷ True and useful courage is "that which is not based on the caprices and the sallies of the passions but on a wise policy which, knowing that there is no unmixed prosperity among men, distrusts fortune, receives her favours without pride and her disgraces without weakness". Mor., liv. 1, p. 52

⁵⁸ *Loc. cit.*, pp. 55 and 59.

⁵⁹ *Loc. cit.*, p. 61.

⁶⁰ "In the nature of things there are virtues which need only consult themselves in order to act, and which always result in good; such are justice, prudence, and courage. But others are subordinate among themselves, and the superior virtue must direct that which is under it. . . . Thus morality orders us to be economical, generous, compassionate, but those qualities would only become so many vices were they not governed by a superior virtue, justice." Phoc., ent. 4, p. 154; see also Mor., liv. 1, p. 33.

⁶¹ "There is not, nor can there be, any love of country in states where there is neither temperance, love of work, love of glory nor respect for the gods. The citizen, occupied with himself alone, regards himself in it as a stranger among his co-citizens." Phoc., ent. 4, p. 152; see also Et. Hist., pt. 3, ch. 4, p. 38; Pas., pp. 424-425.

⁶² "We must raise to the elevation of a religion this love of country and this still more sublime love of humanity." Robespierre.

⁶³ "By temperance," continued Phocion, "I mean that virtue which, inviting us to be content with the things which Nature exacts for our preservation, diminishes the number of our needs and simplifies them." Phoc., ent. 3, p. 107.

"Study (says reason) the wishes of Nature, content yourself with the pleasures she offers you, and, in order always to taste them with rapture, be wise enough not to surfeit yourself with them." Mor., liv. 1, p. 41.

"Truth, like virtue, avoids excesses, and all human morality is only to be found in wise moderation which conciliates the sublimity of our reason with the folly of our passions." *Loc. cit.*, p. 63.

⁶⁴ Phoc., ent. 3, pp. 110-119.

"Such is human weakness that every virtue has its moments of error, distraction and lassitude. Temperance has as many enemies as there are kinds of indulgences and, whatever be its power, it will finally collapse if politics do not prevent it from having to combat idleness and that boredom which follows inaction of mind and body. All the time that the law abandons us to ourselves is a time given to the passions to tempt, seduce and subjugate us; hence politics should inspire the citizen with a love for work. This virtue, shedding on the most simple and honest pleasures a charm capable of satisfying us, tempers our

imagination and prevents it, as it were, from proceeding to the discovery of some new pleasure." *Loc. cit.*, p. 119.

⁶⁵ *Loc. cit.*, p. 121 *et. seq.*

⁶⁶ In primitive society work could have been encouraged "by making laws which would have awakened in the citizens the natural instinct which invites us to seek the esteem of our equals and to fear their contempt. To stop the complaints of workers who did not like to work for citizens who were useless to society, it would have sufficed to grant them rewards and distinctions which would have made them regarded as benefactors and fathers of their country." *Leg.*, liv. 1, ch. 3, pp. 77-78.

⁶⁷ It is a noble and generous sentiment "which teaches us the grandeur of our origin and of our destination: that sentiment by which we are the rivals of the spiritual substances which teach us that we are the work of a God. . . . In fact, Aristias, the soul has no spring more capable of moving it than the love of glory, all the more sublime in that it delights in seeking obstacles and combats. . . ." The fulfilling of duties, "in appearance the most austere, can become agreeable and even delightful" by its aid. *Phoc.*, ent. 3, p. 132.

⁶⁸ "You misunderstand men if you wish to excite them to great actions other than by a laurel branch or by a statue. You debase virtue, you profane it, by giving it a prize which avarice and covetousness alone can desire." *Phoc.*, ent. 3, p. 142 *et. seq.*

⁶⁹ *Phoc.* ent. 5, p. 19.

⁷⁰ *Mor.*, liv. 1, p. 92; liv. 2, pp. 110-111.

⁷¹ *Mor.*, liv. 1, p. 35.

⁷² Speaking of an assembly of men in which all the arts and sciences are represented, he continued: "All these rivals of talent and of glory would judge that they must all have received the same favours from nature and that they must have cultivated them with the same assiduity; they would be convinced that there is no science nor art that does not command, in order to be brought to the perfection of which it is susceptible at our hands, the whole extent of the genius which Nature can give us." The only order of preference which you can establish among the arts and sciences is that of utility to men. "Then let all give preference to philosophy, which chiefly applies itself to enlarging and perfecting our understanding and, often unknown to them, directs the greatest talents; philosophers are benefactors of all men. . . . The second place, if I am not mistaken, must belong to statesmen, who work to make society happy, and at their side are the great captains who defend it. If history is a school of ethics and of politics it is easy to see what esteem is due to the great historian." *Tal.*, pp. 185-186.

⁷³ Do we wish to prepare ourselves usefully for self-knowledge? We must begin by knowing the nature of men and see how, composed of two substances so different as mind and matter, we must know our strength in order to be able to bring out that of which we are capable. We must above all know our weakness and frailty in order to rend the veil which pride and presumption place over our eyes." *Or.*, p. 34.

⁷⁴ *Or.*, p. 36.

" . . . Whatever attention I have paid to learning my duties, I must not flatter myself that I know them all. . . . You can never be sufficiently malicious in your criticism of yourself (in the sense in which

we criticize others), since nothing is so rare as not to mistake the sentiments which prompt us to action." *Op. cit.*, pp. 37-38.

"Before judging favourably of myself, I must find out with care whether the virtue of which I flatter myself is not bound by some thread to the two vices between which it is placed." *Op. cit.*, p. 39.

⁷⁵ "Do not be afraid that you will contract a habit of doubt and slowness which will make you lazy and indecisive when there is need for action; on the contrary, the more your reason is accustomed to reflect the more your ideas will be clear and prompt, and in the end you will decide more quickly and as though by inspiration." *Pas.*, p. 146.

"In making for ourselves a true idea of happiness it is impossible for the heart not to be purified, and from that moment the understanding must begin to be enlightened, to broaden and perfect itself." *Op. cit.*, p. 142.

⁷⁶ Cf. Constitution of 1795, "Duties": "Do continually to others the good which you wish to receive from them".

⁷⁷ "You must forbid yourself those acts which wound you if done by others; there you have the first rule of the duties of mankind." *Mor. liv. 1*, p. 159; see also *Et. Hist.*, ch. 2, p. 29; *Leg.*, liv. 4, pp. 137-141.

CHAPTER III

⁷⁸ "As the aim of society is only to preserve to men their rights which they hold from the liberal hand of Nature, and as the legislator should only impose on us those duties which all of us ought to fulfil, you will easily understand how important it is to study natural law, which I might call the law of equality among men." *Leg.*, liv. 4, ch. 1, p. 142. Cf. The Constitution of 1791, "Rights of Man".

⁷⁹ *Hist. Fr.*, liv. 5, ch. 2, p. 31; ch. 3, p. 86.

⁸⁰ "Note with care; the same laws, the same passions, the same customs, the same virtues, the same vices have always produced the same effects: hence the fate of states depends on fixed immutable and definite principles. Discover these principles, Monseigneur, and I take the liberty of telling you again, that politics will have no more secrets for you. Filled with the experience of all centuries, you will know by what road men must travel towards happiness." *Et. Hist.*, ch. 1, p. 21.

"Before using such and such a means for reaching an end, it seems to me that it would not be unreasonable to ask oneself first whether the end one proposes is one which ought to be desired. It is because they neglect to act without this precaution that legislators, always undecided and swayed by the passions and prejudices of the citizens, have never known on what basis to establish the happiness of states. They erred from the first, and thus making their laws without rule or method, error eternally followed error. Hence that monstrous variety of governments, laws, customs, usages, which we see around us." *Leg.*, liv. 1, ch. 1, p. 24.

⁸¹ "It is false that despotism is suited to hot countries, barbarism to cold countries and a good system to intermediate regions. . . . It is not true that the form of government which would be the best in one country should be the worst in another. These errors are opposed by

facts which it is impossible to doubt. . . . Men have seen servitude established in provinces where liberty has reigned with the greatest glory, and republics formed in the very bosom of tyranny. . . . I admit that differences in climate affect our organs, give our passions increased or decreased energy or activity; but must we conclude from this that Asia, for example, is destined to slavery and Europe to liberty? No; but that politics in Asia and in Europe must use the same means in different proportions, in order to establish the happiness of the people and prevent the disorders and ravages of the passions. The passions of Asiatics are enveloped . . . in laziness. I conclude from this that far fewer institutions are necessary to them than to Europeans, in order to form and preserve a republic. But both, whatever be their passions, have an equal need that their laws shall be impartial, and that their magistrates shall be subjected to them when they govern the citizens." *Et. Hist.*, pt. 1, ch. 7, pp. 99-101.

"I have no doubt of the imperious influence of climate if nothing is opposed to it; but I think also that it can be overcome and that it would count for almost nothing if the legislators of each country, instead of abandoning themselves to it nonchalantly, had studied the effects of it and calculated its force in order to oppose it. . . . By progressive stages, politics would have succeeded in separating men from the vices that climate gives to them, and even, by redoubling its efforts, make those virtues flourish which would appear to be most foreign to them. In all parts of the world men have, it is true, the same senses and the same organs; but, I repeat, you must agree with the physicians that the different temperatures of the climates modify their actions in very different manner, and that we cannot doubt this if we consider the different characters of peoples." *Pas.*, pp. 266-308, and 415.

⁸² "You would not believe how much the government of a man resembles the government of a state. We all have very bad subjects to govern. Some are slow and lazy and others thoughtless and turbulent; some are hypocritical and others impudent; and you must place over them a magistrate who, like all magistrates in the world, will sometimes fall asleep, will sometimes be bored with his office, and will nearly always make his decisions without troubling to think deeply about them." *Mor.*, liv. 1, p. 37.

⁸³ "A doctor must hide a cruel truth; but do not, I beg you, compare the ills of the body politic with those of the human body. Medicine cannot point to any essence, any remedy, any system which can give me back lungs that have been eaten away by an ulcer, and which scarcely suffice to breathe with; it is because it is incapable of healing me that it must leave me hope. But politics which have created for society the life organs which it lacked, and whose every remedy is infallible, would betray men if it hid the truth from them." *Leg.*, liv. 2, ch. 2, p. 159.

"I must die because time by itself withers, wears out, and destroys in me all the organs and springs of life, and because I am unable to create new ones for myself. It is not the same with the body of society, whose arts are incessantly renewed by new generations. It always has old men who deliberate and young men who execute. . . ." *Et. Hist.*, pt. 1, ch. 6, p. 80; see also *loc. cit.*, pp. 59-80.

"A state that is wise enough to content itself with the mediocrity of its fortune is a state which can and must live for ever if it conforms to the rules" which Mably lays down. *Loc. cit.*, p. 89.

⁸⁴ *Pas.*, p. 138.

"You are persuaded that reason is the organ by which the Author

of Nature makes known to us His will : you are persuaded that it alone can lead us to happiness. Reflect then, my dear Aristias, that politics must be the minister and co-operator of Providence among men. . . . Let politics, after having penetrated into the secrets of Nature regarding the end of society and the causes of its happiness, constantly follow that example (*i.e.*, of the scientific farmer). From the moment it is wise enough not to imagine itself cleverer than Nature, it will make ethics its principal study, which teaches how to distinguish true virtues from those which only bear the name, and which prejudices, ignorance and fashion have imagined. Let its first care be to purify morals without cessation. While giving particular attention to the virtues which are the most necessary to society, its principal object must be to take the most efficacious measures to prevent the passions from emerging victorious from the eternal combat which our reason is condemned to wage them. Its aim, in a word, is to keep the passions bent beneath its yoke, and by consolidating the empire of reason to give, so to speak, wings to the virtues." Phoc., ent. 2, p. 70 ; ent. 3, p. 105.

Cf. Robespierre's "Rapport sur les principes de morale politique", made on behalf of the Committee of Public Safety, February 5th, (17th Pluviose, an. 2) 1794. It bears strong resemblance to Mably in parts. "Thus everything that tends to stimulate love of country, to purify morals, to uplift the soul, to direct the passions of the human heart towards the public interest, must be adopted or established by you." See also Robespierre's report made on behalf of the Committee of Public Safety on "The Relation between Religious and Moral Ideas and Republican Principles, and on national festivals", May 7th, 1794 (18th Floreal, an. 2) ; he states that the source of the vices and virtues is in the passions of men ; hence the aim of institutions is to direct men to justice. The sole foundation of civil society is morality ; hence politics must be based on it.

⁸⁵ "It is only by exercising the domestic virtues that a people prepares itself for the practice of public virtues." Phoc., ent. 2, p. 72 ; see also Et. Hist., pt. 3, ch. 4, p. 37.

Gl., p. 389.

" . . . Since a wife, children, friends, virtuous neighbours and slaves who are faithful to their duties, are so calculated to make us happy in the bosom of our families, where we pass the greatest part of our life, why should politics neglect this important branch of our happiness ? . . . We desire our homes to be a sort of refuge where the law may not enter to instruct us in our duties ; and nevertheless it is in the bosom of the family that tender and prudent fathers gave the first example of laws and of society." (Phoc., ent. 2, p. 71 *et. seq.*)

" . . . There are no small virtues in the eyes of politics, and she cannot without danger neglect any one of them." *Loc. cit.*, p. 76 ; see also Et. Hist., pt. 3, ch. 4, pp. 37-38.

See Robespierre's Commentary on the Fundamental Decree of December 4th, 1783 (14th Frimaire, An. 2) : "We wish for an order of things in which all base and cruel passions shall be fettered, all beneficent and generous passions awakened by the law, . . . in which distinctions are born only of equality itself, in which citizens are subordinated to the magistrate, the magistrate to the people, and the people to justice, in which the country assures the well-being of each individual, and in which each individual enjoys with pride the glory and prosperity of his country. . . . That is our ambition, that is our aim."

⁸⁶ "Although all virtues are worthy of cultivation, all, however, do not demand the same care on the part of the legislator and magistrate ;

some have not such a direct and immediate bearing as others on the production and consolidation of the happiness of the citizens and the safety of the republic." Phoc., ent. 3, p. 104.

^{86a} "He (the Legislator) will have done nothing as yet when he has only regulated the rights of each citizen and definitely prescribed justice. Allow the passions free play and they will soon have disturbed these prescriptions." Phoc., ent. 3, p. 106; see also Et. Hist., pt. 3, ch. 3, p. 14.

⁸⁷ "The more one thinks about it the more one will be persuaded that liberty without morals degenerates into licence, and that licence necessarily produces domestic tyranny, or enslavement to a foreign power. A celebrated author has said that monarchy could do without virtue, and govern by honour; but when he explains what he means by honour, one sees that, if he means anything at all, he means virtue." Phoc., ent. 2, p. 84 note.

⁸⁸ Phoc., p. 84.

⁸⁹ Phoc., ent. 3, p. 115.

⁹⁰ We "show too much honour to human reason. This reason of which we are so proud and which has produced so many miracles in the world in forming society, was perhaps shared only by a thousand men since the creation of the world. . . . In all the rest it is, so to speak, only an instinct a little less coarse than that of the animals, and adopts without choice all the opinions presented to it. It is only too well proved that the lot of reason is to be utterly routed by the passions". Nobody learns by experience. Mal. Pol., pp. 213-214; see also U.S.A., let. 4, p. 208.

⁹¹ "Is it not proved that our reason, incapable of continued attention on the same object, grows drowsy in spite of itself, or only has confused thoughts left?" Some slight physiological disorder suffices to produce in us lethargy or delirium. "Our reason is impotent against such accidents; but who will answer me that it is not equally impotent in that state of annihilation or of frenzy which the passions sometimes occasion?" Or., p. 50.

⁹² Dev Rais., p. 25.

"Our reason usually comes too late and almost always without success, because it is corrupted in advance by the approach of pleasure, or frightened by the fear of pain. Thus our reason is never sufficiently calm or untouched by the impression of the senses not to be obscured and stirred by some interest that is foreign to it." Or., pp. 44, 45, and 53.

Dev. Rais., p. 27.

"I have no faith in the politics of reason; it has nearly always been a stranger among men. . . . but I believe firmly in the politics of the passions, because I see them reign in the world ever since history has told us what happened there." Mort., p. 514.

"I have the misfortune not to think like certain philosophers who assure us that the evidence of truth has only to be made manifest in order to triumph over error. I believe, on the contrary, that the more a prejudice is absurd the more capable is it of making a vigorous resistance: it is an Achilles—one can only wound him on the heel." Pas. p. 319; see also Doutes, let. 2, pp. 48-52; let. 6, p. 154.

^{92a} Beau, p. 202.

"Truth revolts and displeases when it is presented to minds not prepared to receive it; and if Numa had appeared in Rome with the

philosophy of which we are so proud, it would not have been listened to, and the Romans would have acquired no new virtue." *Sup.*, p. 312.

"Public opinion mixes with our reason without our suspecting it; it adulterates our judgment. . . . Our senses are so near to us, our reason is usually so remote, and the action of pleasure or of pain is so prompt and so vivid that our soul, having no time to assemble its council in order to compare, to deliberate and to judge, follows or flees by habit that which its prejudices have taught it to regard as a good or as an evil." *Dev. Rais.*, p. 63.

"Reason can only show itself with trembling." *Op. cit.*, p. 81.

"The desire to believe is extreme in men, and our pride induces us to accept as true everything that we believe." *Beau*, p. 260; see also *Grains*, p. 287.

"Whatever flatters our ear makes an impression on our mind and on our heart. We listen willingly to that which pleases; our soul becomes the dupe of our senses, and we hasten to believe as true that which we hear with pleasure." *Opera*, let. 1, p. 32.

⁹³ "Fanaticism wears itself out, as it were, by its self-inflicted injuries." *Ec. Hist.*, ent. 1, p. 82; see also *Pas.*, p. 222.

⁹⁴ "A nation often gets accustomed to a fantastic and vicious government. . . . How could it think of changing a government which does not make it unhappy? More nations have owed their ruin or passing misfortunes to their obstinate attachment to customs or laws than to the passion for changing them." *Cit.*, let. 3, p. 88.

Cf. Robespierre's speech on the King's trial in the Convention, December 3rd, 1792.

"The citizen is often the dupe of the respect which he is accustomed to pay to his magistrates, and of the enterprises meditated by their ambition; he loves repose, takes good for granted, and only seeks to delude himself." *Hist. Fr.*, liv. 5, ch. 1, p. 17.

Et. Hist., pt. 3, ch. 3, p. 16.

Mor., liv. 1, p. 41.

"We think we are consulting only the purest lights of reason, and, without noticing it, we still follow only our passions and our prejudices." *Pol.*, pt. 1, ch. 11, p. 186.

⁹⁵ " . . . Of what avail is reason against the passions? I am very much afraid that they will eternally govern the world." (Letter to *Mme. Dupin*, Paris, September 21st, 1764.)

⁹⁶ *Mor.*, liv. 2, pp. 127-129.

⁹⁷ *Mor.*, liv. 3, pp. 226-231.

CHAPTER IV

⁹⁸ "From the moment I begin to think it is proved to me that I must love myself; that is to say, seek my happiness. It is impossible for me to separate myself from this self-love; and I must flee pain just as I fly to meet the pleasure which calls me. Although nothing seems more contrary to the nature of a being obviously destined to live in society with his kind than this self-love which imperiously constrains each of us to prefer himself before all else, this sentiment is nevertheless the link which unites us to one another with the greatest strength." *Mor.*, liv. 1, p. 17; *Leg.*, liv. 3, ch. iv., p. 87.

⁹⁹ "He (God) has placed in our soul several social qualities which are, so to speak, but so many involuntary instincts which precede all reflection, which make the happiness of our fellows dear to us, and which invite us, by the attraction of pleasure or by the fear of pain, to approach one another, to unite with one another, to love, comfort and serve one another and to make reciprocal sacrifices. I perceive in myself pity, gratitude, the need of love, fear, hope, love of glory, emulation, etc." *Leg.*, ch. 1, p. 29.

¹⁰⁰ "Notice that Nature, by means of the social qualities with which she has endowed us, solicits, urges and constrains us to unite into society which, by the communication of our ideas, our doubts and even our errors, can alone develop all the faculties of our understanding, and give us the virtues which must and can make us happy." *Mor.*, liv. 3, p. 227; see also liv. 2, p. 139; and liv. 3, p. 231.

¹⁰¹ "Agriculture exists to beautify and assist society, and society was not formed in order to enable agriculture to flourish." *Doutes*, let. 1, p. 26.

¹⁰² "In the state of Nature all our passions invited us to establish a public power, because everybody felt the need he had of his like in order to be happy; but scarcely was society formed than the new citizens reverted to their first instincts. The love which each one had for himself made him find it sweet to turn to his own particular advantage the good which should have been common to all." *Dev. Rais.*, p. 59.

"The whole art of this sublime architecture (political society) consists in making laws which are wise enough and learned enough to direct my self-love in such a way that I neglect, so to speak, my particular advantage, and to reward me liberally for the sacrifice I am to make of the things which must appear to be most dear." *Dev. Rais.*, p. 31.

¹⁰³ "In this situation of the dawning world fear was thus the dominant passion and held captive all the other sentiments of the soul." *Pas.*, p. 18.

¹⁰⁴ "What shaft of light developed our hidden faculties? I see none other, my friends, than the spectacle of the beauties which Nature presents. It is this spectacle, always more admirable once it has drawn our attention, which by its brilliance, its variety, and its regularity strikes certain of those privileged men whom Providence supplies for our needs. . . . Let us not doubt; it is the Beautiful which Nature so freely gives us, and which so vividly moves our senses which taught the human mind to make use of our sensations, and to know its own strength and resources. . . . Admiration of natural phenomena around them drew attention to themselves, and they discovered social qualities unsuspected until then. . . . Societies formed because these few sages collected around them crowds born to follow blindly." *Beau*, pp. 212-214.

¹⁰⁵ "There lies, then, the cradle or the source of all human passions. But note, I beg you, the wisdom of Providence who, intending us to live in society, wanted this passion, without which we should have been unsociable, and from which the laws derive their force, to be the first to germinate and to rule in our hearts, and keep its place there by such deep roots that nothing could ever tear it out, since we should eternally have need of it." *Pas.*, p. 182.

¹⁰⁶ "Plato established the empire of justice and happiness among the first men; but we know to-day what to think of these beds of verdure, this concord, this sweet leisure which were the charm of a society in which passions were unknown." *Gr.*, liv. 1, pp. 1-2.

¹⁰⁷ "Men fled from primitive anarchy and submitted to conventions by which they placed themselves under laws and magistrates in order to harmonize their interests and to have a single will." Beau, p. 300.

¹⁰⁸ Dev. Rais., pp. 17-37.

"The duties which they had contracted by their conventions taught them that their actions were henceforward subject to a moral rule. . . . One saw heroes being born whilst the multitude, slaves of its old habits, still only obeyed laws by imitation or by the fear of punishment. It is then that we begin to know a few virtues which in shaping themselves, were finally to give the idea of the beautiful in morals (*moeurs*), and to teach us how to arrive at it." Beau, pp. 14-15.

¹⁰⁹ "At every novelty that they adopted they probably thought (for self-esteem and vanity are as ancient as ourselves) that they had attained to the highest perfection of which we are capable." Beau, p. 217; see also pp. 214-219.

"Do not let us be so proud of the superiority which we owe to their enlightenment and to time. Descartes destroyed the philosophy of Aristotle, and whilst his disciples flattered themselves that they reigned with truth, Newton overturned their empire. To this new philosophy there will probably succeed another." Dev. Rais., p. 58.

¹¹⁰ "In fact . . . it is evident that if men had had passions less anxious and impatient of satisfaction they would not have emerged from their first situation which was still only a crude sketch of society." Pas., p. 184 *et. seq.*

¹¹¹ Pas., p. 184 *et. seq.*

¹¹² "Thus public opinion establishing by routine a species of public laws in the city, itself becomes public reason and moulds customs (*moeurs*) and passions, till then ill-defined, into customs and proceedings analogous to the spirit of the dawning government. . . . It serves as the basis of education and becomes the morality of the state." Pas., p. 166.

¹¹³ Pas., pp. 166-168.

¹¹⁴ Pas., pp. 184-192.

¹¹⁵ "As a result of that covetousness which is born in us, stays with us and never dies, the citizens to whom Nature had given more penetration, enlightenment and talent despised those whose reason . . . was only immature. . . . Their pride, raising pretensions which they were not slow in regarding as incontestable rights, separated them from the multitude which they thought destined to obey them. . . . The most intelligent men did not reflect that Nature had only given them this superior genius to supplement the incapacity of the others, and to lead them just as a father directs and leads his child whose reason is not yet developed. They found it simpler and more advantageous to make dupes of them." Mor., liv. 2, p. 139.

¹¹⁶ Leg., liv. 1, ch. 3, p. 76; and see the Section on Property.

¹¹⁷ Cit., let. 17, p. 12.

¹¹⁸ "All moralists agree that on occasions when the magistrate cannot come to my assistance I am armed with all his power to punish the brigand who attacks me. If when in extreme need, pursued by hunger, I steal to feed myself, the law is silent before me; I am not a thief. All that is just because political law must never be contrary to the law of Nature; and as man only entered society to ensure his days against violence and need it would be absurd for him to find himself at once

deprived of the succour which he has the right to expect from his co-citizens and of that which he can find within himself; society would then be worse than the state which preceded it." *Cit.*, let. 3, p. 82.

¹¹⁹ "It would be too absurd to think that men, who had not yet a clear and precise idea of the good which they sought by coming together and were governed by brutal passions, should have passed abruptly from the greatest independence to the most complete submission. Can one believe that in these nascent societies there could have been contracts or conventions between citizens and rulers? No, without any doubt. Men who were equal and who had the same rights approached one another because their social qualities and their weakness warned them of their respective rights because they could not even suspect that they had cause to fear the loss of their liberty. They chose a chief whom they judged most suited to their needs; and so long as his counsels or, if you prefer, his orders pleased them, they obeyed him without thinking themselves inferior to him. They withdrew their confidences and deposed him without uneasiness as soon as his authority became useless or harmful; and probably society had no other rule of conduct for several centuries." *Et. Hist.*, pt. I, ch. 4, p. 49 *et. seq.*

CHAPTER V

¹²⁰ *Ec. Hist.*, pp. 99, 114, 127, 155, 160, 190; *Hist. Fr.*, liv. I, p. 135.

¹²¹ Doutes, let. 4, p. 84.

"... Each event which he (the historian) records will be naturally prepared by that preceding, and will prepare that which follows." *Ec. Hist.*, ent. 9, p. 190.

"When one analyses those sudden metamorphoses, one discovers that chance creates nothing, but only discovers and brings to light hidden sentiments." *Sit. Pol.*, pp. 35-36.

¹²² "But the object of history is not only to enlighten the mind, it purposes also to direct the heart and to dispose it to love the good." *Ec. Hist.*, p. 85.

The student must be able to say to the historian: "I will draw from your writings useful instruction. I shall learn to know the men around me, I shall learn to know myself and to suspect the frailty of human virtues." *Ec. Hist.*, ent. 2, p. 205.

"For my part, only studying in History the causes of prosperity, of decadence and of the ruin of states, I have always noticed that these passions, violently excited and contrary to the nature of man, which orders us to keep in all things a just mean, have shaken the morals, the laws and the constitution of a country, and left behind them deep and long traces of their passage." *Mor.*, liv. I, p. 24.

"Let it set forth the rights of peoples; let it never depart from this primary truth from which all others flow." *Cit.*, let. 5, p. 148.

¹²³ *Ec. Hist.*, ent. I, p. 76.

"Permit me to ask you whether you have made certain studies which I call preparatory, and which no historian can do without. Have you studied natural law? If you do not know the origin of public authority in society, the duties of man as citizen and as magistrate, if you do not know the rights and duties of nations towards one another, what rule,

pray, will you have for judging of the justice or injustice of the enterprises which you will record ? ” *Ec. Hist.*, ent. 1, p. 62 ; see also p. 71 and *Hist. Fr.*, liv. 5, ch. 3, p. 59.

¹²⁴ *Ec. Hist.*, ent. 1, p. 66.

“ The moment the historian will have grasped this natural politics, he will have a thread to follow and he will not go astray. Without fear of erring he will judge of the fortunes of states by counting and measuring the distances by which they are nearer to or further from the designs of Nature.” *Loc. cit.*, p. 71.

¹²⁵ *Ibid.*

¹²⁶ *Ec. Hist.*, pp. 224 and 246.

¹²⁷ *Ec. Hist.*, ent. 2, p. 240 ; see also p. 242.

“ Poets and orators can, or rather must, appear passionate, because passions are communicable and because their principal object is to carry me away. It is not the same thing with the historian ; he must preserve his *sang froid*.” *Loc. cit.*, p. 249 ; see also pp. 213, 252, 261.

¹²⁸ *Ec. Hist.*, ent. 1, p. 125.

¹²⁹ *Ec. Hist.*, ent. 1, pp. 144-148.

¹³⁰ “ If you write for people worthy of reading history, seeking to enlighten their reason, you will follow the manner of the great historians . . . you will disguise your thoughts ; sometimes you will teach me what I ought to think by describing public opinions, or you will give to a reflection the appearance of being a fact.” *Op. cit.*, ent. 2, p. 263.

¹³¹ *Loc. cit.*, p. 144.

¹³² *Op. cit.*, ent. 1, p. 79 ; ent. 2, p. 237.

¹³³ *Et. Hist.*, pt. 1, ch. 2, p. 23.

¹³⁴ “ If I have no knowledge of public habits and of the laws which form the political constitution, you will in vain point out to me events worthy of note ; I am incapable of sifting out the causes of them, and I attribute their successes to those in command. . . . If on the contrary you make known to me the habits and government of the republic, I see that the great men who appear on the scene are the creatures of the laws.” *Ec. Hist.*, ent. 1, p. 97.

¹³⁵ *Ec. Hist.*, p. 119.

¹³⁶ *Cit.*, p. 202 ; *U.S.A.*, p. 205.

¹³⁷ “ It is no longer by our virtue and our strength,” said Cicero, “ that we subsist to-day ; it is by the ignorant stupidity of our enemies, who do not know how to benefit by our vices and our errors in order to hasten our ruin, into which we precipitate ourselves.” *Et. Hist.*, pt. 1, ch. 8, p. 126.

¹³⁸ “ You can be unjust and even odious to the whole world by reason of your tyranny, and yet continue to be fortunate in your enterprises, when you are able to overcome your enemies by superior forces ; history is only too often a proof of this sad fact.” *Rom.*, liv. 6, p. 307.

¹³⁹ *Leg.*, liv. 3, ch. 1, p. 10 ; see Chapter XIII, (p. 129), on Reform.

¹⁴⁰ “ What use is it to us to know our father's mistakes if they do not serve to make us wiser ? Seek, Monseigneur, to mould your heart and mind. History must be, throughout your whole life, the school in which you will learn your duties.” *Et. Hist.*, p. 8 ; see also *Hist. Fr.*, liv. 7, ch. 1, p. 101 ; *e.g.*, *Sparta, Gr.*, liv. 1, p. 27.

"To the insidious voice of flattery, oppose the reflections furnished you by history." *Et. Hist.*, p. 10.

¹⁴¹ "The historian must not let me lose sight of the goal to which he has promised to lead me. Thus history becomes in a sense an epic poem; she proceeds to her end straight through the obstacles put in her way by the passions and chance happenings." *Ec. Hist.*, p. 103.

"Choose . . . a deed calculated to inspire in me the sentiments of nobility and greatness, or to throw clear light into my spirit. . . . This history must describe great obstacles and great dangers triumphed over by great virtues and great talents." *Ec. Hist.*, ent. 2, p. 173; *e.g.*, Jugurtha v. Rome, p. 175.

CHAPTER VI

¹⁴² Nowhere in Nature can a principle of inequality be discovered; for "has she not given to all men the same organs, the same needs, the same reason?" *Leg.*, liv. 1, ch. 2, pp. 44 and 53.

Nature has destined us to be equal "inasmuch as no man could exact from another man duties which he was not obliged in his turn to fulfil towards the latter". *Doutes*, let. 1, p. 11.

¹⁴³ "It seems to me that it is only in Turkey or in some other despotic state that one can believe that the subordination needed by society is incompatible with equality. If my particular reason is subordinated to the public reason of the state, if I agree to obey the laws, if I recognize a sovereign of which I am a part just like all the rest of the citizens, why should I no longer be the equal of those who only have the same rights as myself? Are not the magistrates above you? you will say. No, I will reply, unless I have been crazy enough to give myself a master, or if I have granted the magistrate the right to oppress me by abandoning to him too much power, or prerogatives which separate his interests from my own. But if, following the precepts of common sense, these magistrates whom I have put in their tribunals only hold a place which I can occupy in my turn . . . why should the respect which I owe them degrade instead of honouring me?" *Leg.*, liv. 1, pt. 2, p. 64.

Cf. Constitution of 1791, Rights of Man, art. 6, voted August 21st, 1789, also Condorcet in the Convention, February 15th-16th, 1793.

¹⁴⁴ *Doutes*, let. 2, p. 34.

¹⁴⁵ *Leg.*, liv. 1, ch. 3, pp. 76-79.

¹⁴⁶ "The earliest societies were justified in establishing it (property); you even find it firmly established in the state of Nature, for no one can deny that man had a right to regard as his own property the hut he had built and the produce he had cultivated. Doubtless nothing stood in the way of certain families retaining their property and not dividing up the fields which furnished their subsistence, when they united into society for the purpose of mutual protection. Precisely because of the disorders which were caused in the state of Nature by the barbarity of habits and the right which everyone claimed to exert over everything; and in the absence of experience enabling them to foresee the numberless disadvantages which would result from this partition, it must have appeared advantageous to institute private property among the newly established citizens." *Cit.*, let. 4, p. 125.

¹⁴⁷ *Cit.*, let. 3, p. 98.

¹⁴⁸ Leg., liv. I, ch. 4, p. 110.

¹⁴⁹ "Can one seriously doubt that in a society where avarice, vanity and ambition were unknown, the least citizen would be happier than our richest proprietors are to-day? But do not let us stop short at the domestic ills which landed property has caused. In perverting every tie which should unite the citizens of a country, has it not broken all the links of society in general? How can you expect that men accustomed to property should not conceive that their fortune should increase if the republic were to grow at the expense of its neighbours? Hence foreign wars. On the contrary would not citizens without private fortunes, rich in the public welfare and equal among themselves, find it more in their interest not to disturb the peace of their neighbours?" Doutes, let. I, p. 14.

¹⁵⁰ "We have given ourselves two standards of weights and measures, and, to the shame of our reason, the rich inflicted pain of death for theft because they were liable to be robbed, and approved conquest because they were themselves the robbers of nations." Leg., liv. I, ch. 2., p. 52.

¹⁵¹ Leg., liv. I, ch. 2, p. 46; also U.S.A. let. 3, p. 188.

"Equality must produce all good because it unites men, elevates their souls and prepares them for mutual feelings of goodwill and friendship. . . . If I establish equal citizens who only take account of virtues and talents in men, emulation will be kept within just bounds. Destroy this equality and at once emulation will change into envy and jealousy because it will no longer have an honest end in view." Leg., *loc. cit.*; see also Et. Hist., pt. I, ch. 3, pp. 33 and 34.

Cf. Constitution of 1791, Rights of Man, art. I. "Social distinction can only be founded on public utility."

¹⁵² "The sentiment of equality is nothing else than the sentiment of our dignity; it is by allowing it to become weak that men have become slaves." Leg., liv. I, ch. 2, p. 54.

¹⁵³ Doutes, let. I, p. 10.

"I know how greatly property inspires a taste and an enthusiasm for work; but if in our condition of corruption we only know this one urge capable of moving us, do not let us be mistaken enough to suppose that nothing can take its place. Have men only one passion? Would not love of glory and esteem, if I knew how to awaken them, become as active as avarice and without any of its inconveniences?" Cit., let. 4, p. 130; also Leg., liv. I, ch. 3, pp. 81-82.

¹⁵⁴ "However equally goods have in the first instance been distributed in a republic, you may be sure that equality will no longer obtain in the third generation." Cit., let. 4, p. 126.

^{154a} Leg., liv. I, ch. 2, p. 67.

¹⁵⁵ *Loc. cit.*, pp. 48 and 62.

¹⁵⁶ Leg., liv. I, ch. 2, p. 53.

¹⁵⁷ "When men, owing to their multiplication, finally felt the need for fixed abodes and for cultivating the land, I question whether the first idea which presented itself to their minds was to divide it and to establish property. When we erect a new institution it is in the nature of our being to conduct ourselves still with the same ideas with which habit has familiarized us. It is then reasonable to think that our fathers, compelled to work in order to procure a more comfortable living, joined their efforts, as they had already combined their strength, to form a public power. After they had united their work, they had to reap in

common. You see with what wisdom Nature had prepared everything to lead us to community of goods, and to prevent our falling into the abyss into which the establishment of property has thrown us." Leg., liv. 1, ch. 3., p. 70.

"Even were private property in land much more favourable to the production of riches than it actually is, you ought still to prefer the community of goods. Of what use is this greater abundance if it induces men to be unjust and to arm themselves with force or fraud in order to enrich themselves?" Doutes, let. 1, p. 13.

"... I could imagine it to be more advantageous for the human race to have a few virtues than abundance of produce. You will say, what will become of the population? I answer that it would be better to have only a million happy men on the earth than to see this numberless multitude of paupers and slaves who only half exist in degradation and want. But I add that if property had never been established the earth would be as fully cultivated and populated as it is possible for it to be." Leg., liv. 1, ch. 3, p. 83.

¹⁵⁸ It is because Plato was not thoroughgoing enough in his communistic scheme and only applied it to the two superior classes, magistrates and warriors, that such a community would be doomed to decay. Vices would inevitably arise among the third class—the common citizens—and the rulers would be swept off their feet by the force of the evil ways of the majority. Leg., liv. 1, ch. 4, p. 96.

Lycurgus showed greater wisdom when he introduced communism into Sparta and banished all forms of riches and luxury. Gr., liv. 1, p. 23.

¹⁵⁹ Leg., liv. 1, ch. 2, p. 67.

Doutes, let. 1, p. 5.

Doutes, let. 7, p. 161.

Communism is "the only infallible means of preventing the legislative power from straying from the rules laid down for it . . . for only this arrangement can destroy the private interests which will always triumph over the public interest". Doutes, let. 7, p. 164.

¹⁶⁰ "Nothing seems to me easier than to hold men to their duty before the establishment of property; because nothing was easier than to provide for and satisfy their needs. I can imagine citizens divided into different classes; the strongest are made to till the ground, the others work at the crude arts which society cannot do without; I see public storehouses everywhere, which contain the wealth of the republic; and the magistrates, who are really the fathers of the country, have scarcely any other function than to maintain morality and to distribute the necessaries of life to each family." Leg., liv. 1, ch. 3, p. 76 *et. seq.*

¹⁶¹ Leg., ch. 4, see also Cit., let. 4, p. 132.

¹⁶² "Were one to present to men the true order of Nature, which in my opinion consists in community of goods and equality of conditions, I freely admit that it would make no impression on their mind: insurmountable barriers separate us for ever from this good fortune." Doutes, let. 2, p. 38; see also Cit., let. 7, p. 251.

"Would it not have been worthy of our philosophers to develop the truths which I have only hinted at; not in order to tell us that we must renounce our property and re-enter the paths of Nature—this sermon would be useless—but to present to us the true remedies that philosophy may yet employ at least to soften and to diminish the evils arising from landed property? Am I mistaken in saying that you must limit yourself to demonstrating that once you have committed this

stupidity of partitioning goods, you are unhappily condemned to be its victim eternally? In fact it appears to me that property arms a hundred passions in its favour which will always take up its defence and will never listen to reason. No human force could attempt to-day to re-establish equality without creating greater disorders than those from which we wish to escape." Doutes, let. 1, p. 12.

¹⁶³ "Must you, Monseigneur, lay down your office of prince, must the prerogatives of the nobility be destroyed and the imprescriptible rights given by Nature to the people, be returned to them; must large fortunes be destroyed, and by a new distribution of land a heritage be given to the poor? No." Et. Hist., pt. 1, ch. 3, p. 45.

"What legislators might have done in more favourable times, our accumulated vices and prejudices have rendered impossible to-day." *Op. cit.*, pt. 3, ch. 5, p. 44.

Cf. Rabaut while President of the Convention, in No. 19 of the *Chronique de Paris* (circa January 24th, 1793), is in favour of equalizing fortunes. He is opposed by Roederer.

¹⁶⁴ "The degraded citizens will only take a mediocre interest in the state, and the others will be more attached to the preservation of their prerogatives than to the welfare of the republic." Laws should "teach citizens to be content with little, for we see that the less they are occupied with their domestic fortunes, the more they take an interest in the public good". Leg., liv. 3, ch. 4, p. 87 *et. seq.*

¹⁶⁵ "The more there is equality in the fortunes of citizens, the more the treasury will be able to obtain assistance; the poor are not able to provide anything, and only feeble subsidies can be extracted from the rich." Dr. Pub., ch. 11, p. 68.

"If a country has laws which prevent citizens from being either too poor or too rich, if the resultant spirit of economy and modesty watches over public safety, it can possess almost with impunity riches which would produce frightful ravages in a state where the natural equality of men would be less respected." *Op. cit.*, ch. 10, p. 64.

"With our mania for enriching and ennobling ourselves, all possessions finally pass into the hands of the nobility, the third estate becomes daily more degraded and its degradation demoralizes the rest of the nation." Leg., liv. 2, ch. 1, p. 151.

¹⁶⁶ Leg., liv. 2, ch. 1, p. 153.

¹⁶⁷ Doutes, let. 2, p. 42.

¹⁶⁸ "But I can predict without fear of being mistaken that unjust laws will always multiply in a state in proportion to the greater or less inequality which exists between the fortunes of the citizens." Doutes, let. 3, p. 58.

Inequality of fortunes is responsible for "all the vices of riches, all the vices of poverty, the coarsening of the mind, corruption of civil customs and all those prejudices and passions which will stifle for ever the evidence upon which, nevertheless, our philosophers place their hope". *Op. cit.*, let. 1, pp. 10-11; see also let. 1, p. 16; let. 8, p. 215.

¹⁶⁹ "But if one cannot to-day aspire to Spartan equality, if one cannot assign an equal patrimony to each citizen, it is at least easy to banish beggary and excessive opulence from a state. It is easy to establish such an order of things that work provides each man with an honest subsistence, and that no circumstance can arise in which a hardworking father should be condemned to die of hunger with his family." Et. Hist., pt. 3, ch. 5, p. 46.

¹⁷⁰ Leg., liv. 2, ch. 1, p. 148.

¹⁷¹ Et. Hist., pt. 3, ch. 5, p. 46.

Nicholas Bonneville and Claude Fauchet preached the adoption of agrarian laws to the Cercle Social.

"The first right is that of existing. . . ." Property is never in opposition to man's subsistence. "Whatever is necessary for its preservation is common property to society as a whole; only what exceeds this can be individual property." Robespierre, in the Convention, December 2nd, 1792.

¹⁷² Cf. Article 11 declared by the National Assembly, August 17th, 1789, and the Constitution of 1791.

¹⁷³ Cit., let. 3, p. 98.

¹⁷⁴ "The law should dispose of the wealth of the deceased; or if it left him the power to distribute his personal property at will, it should only be for the purpose of recognizing the zeal and affection of his servants, and thus bring into the poor classes a certain amount of riches which would be pernicious to the wealthy. . . . A good legislation should constantly split up and divide fortunes which avarice and ambition continually work to amass." Leg., liv. 1, ch. 1, pp. 142-147.

¹⁷⁵ Leg., liv. 2, ch. 1, pp. 117-130.

^{175a} "But it would be very strange to think that my right of property would be infringed if one wished to put me under the laws of reason, and hamper my avarice or my extravagance. . . . Far from allowing the rich to abuse their fortune out of false respect for property by increasing it yet more at the expense of the public weal, he (the legislator) must oppose it with all his might." Grains, pp. 274-276; see also Cit., let. 3, pp. 96-97.

¹⁷⁶ "The equality to which it is still permitted to aspire, and which must of necessity be established, is that in society neither birth, title nor privilege should free men from civic duties, and that the quality of citizen should be inviolably respected even to the least in the state. As we cannot be brothers and live according to the intentions of Nature, there must be some classes of citizens more honoured than others; but let no man be crushed and humiliated in his state unless he be an evildoer condemned by the laws to live despised. In spite of the distinctions attached to the different orders of the state, they will be equal among themselves as much as they can be to-day; they will not despise one another, they will not oppress one another, if the law has taken wise precautions to balance their power and render sacred and inviolable the rights peculiar to each." Et. Hist., pt. 3, ch. 5, p. 45; see also Leg., liv. 2, ch. 4, p. 235.

"I do not want a commoner of the City of London to be equal to the first peer of England; God forbid! I should order everyone to pay a tribute of respect to those whom fortune and prejudice raise above them. . . . I should establish in this matter a severe and rigorous etiquette; but while imposing obligations on the lowly I hope that you will allow me not to free the great from all duty. Let these be as exalted as they desire so long as the others are not obliged to be vile and base. I leave you free to establish all the distances and preferences that you wish provided that the outcome is neither tyranny nor servitude, and that the most incontestable rights of humanity are respected." Leg., liv. 2, ch. 4, pp. 223-224.

"My body bows respectfully", says Fontenelle, 'when I salute a great noble, but my soul does not stoop.' Words worthy of a sage who

knows the dignity of man, who lends himself to usages established by a necessary subordination, and treats us as children whose prejudices and weaknesses must be humoured. . . . Against which moral laws shall I sin if, under the common garb or the purple with which this pauper or that rich man is covered, I am determined only to see my equal?" *Mor.*, liv. 2, p. 139.

¹⁷⁷ *Leg.*, liv. 2, ch. 4, p. 229.

"The laws then, my lord, will not give to each order the power which should belong to it if they are imprudent enough only to make one order out of a crowd of citizens who despise one another, who have opposing pretensions, or who cannot have the same interests. This body thus composed of parts little suited to one another, would only be a monstrous body unable to act or which, if it could, would only rend itself with its own hands." *Loc. cit.*, pp. 231-235.

Cf. Constitution of 1791; and Condorcet in the Convention, February 15th-16th, 1793.

¹⁷⁸ *Leg.*, liv. 2, ch. 4, p. 236.

¹⁷⁹ *Leg.*, liv. 2, ch. 4, p. 232; *Hist. Fr.*, liv. 7, ch. 3, p. 153; *Ec. Hist.*, ent. 2, p. 209.

¹⁸⁰ *Leg.*, liv. 2, ch. 4, p. 235.

Cf. the general attitude of fear and distrust of the Fourth Estate manifested by the Constituent Assembly.

e.g., Thouret as *rapporteur* of the Constitution Committee, September 29th, 1789: "active citizenship" can be claimed by those only who are not in a servile state, "that is to say, in a personal relationship too incompatible with the independence necessary for the exercise of political rights". Also Malouet in the National Assembly, August 8th, 1791.

¹⁸¹ *Et. Pol.*, p. 148; *Gl.*, p. 408.

¹⁸² *Leg.*, liv. 1, ch. 2, p. 59.

¹⁸³ "Is one rich only? One wants to be great. Is one only great? One wishes to be rich. Is one both rich and great? One wants to be richer and greater still. I am going to tell you something yet more incredible, my lord. If by means of eloquence and demonstration—grant me this ridiculous supposition—one should have wrought the miracle of reducing the exalted and the rich to being contented with an entire equality with those they despise, I do not know whether the lowly and the poor would agree to it, or at least whether they could assume the sentiments in keeping with their new situation. I am not joking; in almost the whole of Europe things have arrived at such a pitch of degradation and want that they would have a sort of repugnance or shame in equalling the others and would be embarrassed in their company. Have you ever met those base men who are so convinced of their nonentity and so flattered to be near their superiors that they purchase meanly the honour to serve them, and to merit their notice? The people have an excess of insolence, but no principle of equality whatever. . . . I have noticed I think a hundred times, even among people who pride themselves on thinking with the greatest justice and force, that they allow themselves to be overcome by the dazzle of greatness and of riches, and mechanically fall back into the place in which they happen to have been born." *Leg.*, liv. 1, ch. 4, pp. 98-100.

CHAPTER VII

¹⁸⁴ Phoc., ent. 1, p. 33.

¹⁸⁵ Rom., liv. 1, p. 7.

¹⁸⁶ Phoc., ent. 4, pp. 181 note and 184; Mor., liv. 1, pp. 66, 67; Leg., liv. 1, ch. 1, p. 19; ch. 3, p. 83; liv. 2, ch. 3, p. 213; Gr., liv. 1, p. 24; Rom., liv. 5, p. 282 note.

¹⁸⁷ Leg., liv. 1, p. 11; Dr. Pub., ch. 11, p. 61; Pol., pt. 1, ch. 12, pp. 198-199, see also Et. Hist.

¹⁸⁸ "The magnificence, the luxury, the pomp, the prodigality of the courts, destroy public morality; they are so many certain proofs of the misery of the people, and harbingers of the decadence of empires." Hist. Fr., liv. 2, ch. 1, p. 273; see also Or., pp. 71-72.

"Far from stopping the progress of luxury, they will themselves set the example; they will look on economy as a political vice; they will enunciate false principles as to the circulation of money, and will honestly believe that the extravagant expenditure of the rich is necessary for the subsistence of the poor." Dr. Pub., ch. 11, p. 53.

¹⁸⁹ "It is the property of luxury to impoverish the richest citizens, since their needs are still greater than their wealth from the moment they give themselves over to the taste for superfluity and elegance." Princ. Neg., ch. 17, p. 204; see also Phoc., ent. 4, p. 196 note.

¹⁹⁰ Dr. Pub., ch. 4, p. 3; Phoc., ent. 2, p. 80.

¹⁹¹ Hist. Fr., liv. 5, ch. 4, p. 111.

"All these trifles which corrupt nations, called politeness, graces, charm, elegance, are so many chains which serve to bind and strangle slaves." *Op. cit.*, liv. 7, ch. 2, p. 117; see also Princ. Neg., ch. 3, p. 28.

¹⁹² Sumptuary laws should extend over everything—"furniture, habitations, the table, servants, clothing; if you neglect any part you leave the door open to abuses which will spread over all. The more austere your regulations the less will inequalities in fortune be dangerous. The rich will endeavour to be worth something on their own account as they will despair of being esteemed for their valets, their horses and their clothes; the poor, less debased, will work to make themselves esteemed the moment that honour is attached to things which can belong as much to them as to the rich." Leg., liv. 2, ch. 1, p. 136.

¹⁹³ "Beggary dishonours and weakens a government. The alms of the rich do not repair the evil; and if you do not wish the vices of the rich to profit by those of the poor, abolish poverty. Let the people regard the magistrature as the highest reward of merit and let them be certain of obtaining it by distinction of virtue and talents. If the laws have succeeded in establishing this mode of thought, you will have excited general emulation; you will have great magistrates, and the citizens who aspire to the honours of the republic will prevent those who have attained them from being negligent or going astray." Leg., liv. 2, ch. 4, p. 217.

"When I think how fatal the pleasant talents were to the Athenians; how much the pictures, the statues and the vases of Greece were the cause of injustice, violence and tyranny on the part of the Romans;

I ask, of what good can an Academy of painting be to us ?" Leg., liv. 1, ch. 2, p. 136; see also Beau, pp. 214-219; Phoc., ent. 1, p. 39; ent. 4, p. 195.

" Scarcely had Pericles corrupted our morals, pretending the while to polish them, scarcely had we begun to pride ourselves on our excursions into the useless arts, the splendour of our spectacles, the magnificence of our furniture, the dainties on our tables . . . scarcely, in a word, did we esteem indulgence, elegance, riches, and respect large fortunes, when we were punished for it by seeing graces, pomp, luxury and riches take the place of talents, and become so many titles for rising to the magistratures." Phoc., ent. 2, p. 76.

¹⁹⁴ " Without reproaching commerce with the numerous needs it gives us, and the superfluities that it makes essential to us, is it not true, that being only embarked on out of greed its spirit is essentially contrary to the spirit of all good government ? Merchants have no country. Their liberty, their trouble, their services, our whims, our vices and our caprices are, so to speak, so many commodities in which they traffic." Leg., liv. 2, ch. 1, p. 137.

" If the state that neglects its commerce does not neglect its morals, if in the place of its old love of money it puts love of country and of glory; ask whether its new virtues will not be more useful to it than its former riches. In banishing avarice and luxury it will find itself rich in its poverty, it will be happy; it will be better defended by the courage of its citizens than by the riches of the most flourishing commerce, and the arms of the mercenaries which it would equip." Dr. Pub., ch. 11, p. 57.

¹⁹⁵ Dr. Pub., ch. 11, p. 63.

" Your laws should teach the citizens to be satisfied with little, for it has been noticed that the less men are occupied with their domestic fortunes, the more they take an interest in public good; and that heroism dies in proportion as riches, luxury and self-indulgence increases." Leg., liv. 3, ch. 4, p. 87.

¹⁹⁶ Phoc., footnote ent. 4, pp. 200-205 and Dr. Pub., ch. 11, p. 54.

¹⁹⁷ " The state is rich enough when it has enough money for internal circulation." Dr. Pub., ch. 11, p. 68.

¹⁹⁸ Of Quesnay's " masterpiece " he says: " Finally economics gave laborious birth to an unintelligible thing entitled the ' Tableau économique ', which many great men have commented upon, but which nobody has refuted, for one does not refute a work which one does not flatter oneself that one can understand ". Grains, pp. 292-297.

¹⁹⁹ " Foreign trade is necessary in no circumstances, it is always pernicious." He has as guarantee for this " all the ancients who have written on politics ". Dr. Pub., ch. 11, pp. 12, 59, 64.

²⁰⁰ " . . . Commerce is necessary to all peoples who are not savages, and who wish to emerge from barbarity. I shall praise it when without pomp or luxury it serves our simple needs, and does not irritate the passions." Pol., pt. 1, ch. 14, p. 240.

²⁰¹ " Money is to-day the sinews and the soul of our policy. Whoever does not know this truth knows nothing; but how can one nevertheless be convinced and persuaded that war, which necessarily destroys the finances of a state, can make it happier and more powerful ? Either new taxation or loans will have to supplement the normal revenues of the state in war time. In the former case the nation cannot be military,

for it is surcharged in time of war, and in consequence can never have the spirit, the morals nor the discipline of a conquering nation. In the second case, the war must seem to it even more onerous, because the people have still to bear the burden after peace has been concluded." The conquered provinces will not be able to supply tribute sufficient to make good this expenditure. Dr. Pub., ch. 15, p. 256.

²⁰² Phoc., ent. 4, pp. 172 and 192.

"It is the poverty engendered by good habits which is the soul of justice and which will do great things; it is that poverty which contents itself with necessities and which despises riches. But the poverty which is a consequence of luxury and of the rapine of the government only produces traitors who want to disturb the state in order to rob it, or mercenaries who only want salaries." Et. Hist., pt. 2, ch. 1, p. 149.

²⁰³ "You must be placed by fortune neither in the abject rank where the people, overwhelmed by lack of necessities, live like beasts and know nothing of virtue . . . nor in that other extreme where a child, corrupted by the riches and splendour which surround its cradle, is condemned never to know the truth." Or., pp. 82-85.

CHAPTER VIII

²⁰⁴ "It is because He (God) has made us to live in society, it is because He wishes to be the link which unites us and make Himself the guarantor of the fidelity which we promise, that His censure is necessary and that He exercises it over us. It is because atheism degrades men by removing from the universe a Magistrature that it cannot do without; it is because this atheism is the undoing of society, through the destruction of all confidence and all security between the citizens, that God will punish it. He will surely be more indulgent to the doctrine of a Mufti or of a Brahmin than towards that of Epicurus or Spinoza." Leg., liv. 4, ch. 2, p. 101.

Cf. Martineau, *rapporteur* of the Ecclesiastical Committee, and the debate on the Civil Constitution of the Clergy, commencing May 29th, 1790, in the Assembly.

Cf. Robespierre's speech in the Jacobin Club, November 21st, 1793 (1st Frimaire, an. 2) in opposition to Hébert and Momoro; he states that atheism is aristocratic, while a belief in God is popular since God is the champion of oppressed innocence. "If God did not exist, He would have to be invented." He is the basis of private virtues.

"The idea of the Supreme Being and of the immortality of the soul is a continual reminder to be just; it is, therefore, social and republican. Nature has placed in man the sentiment of pleasure and of pain, which compels him to shun the physical objects which are harmful to him and to seek out those which are agreeable. The masterpiece of society would be to create in him, concerning moral matters, a rapid instinct, which, without the tardy aid of reasoning, would make him do good and avoid evil; for the individual reason of each man, led astray by his passions, is often only a sophist who pleads their cause, and the authority of man can always be attacked by the self-esteem of man. Now, what produces or replaces this precious instinct, that which supplements the inadequacy of human authority, is the religious sentiment which imprints on the souls of men the idea of a sanction given to the precepts of morality by a power which is superior to man. . . . The motives of duties and the

bases of morality being necessarily linked to this idea, to efface it is to demoralize the people. . . . The sole foundation of civil society is morality." Robespierre, May 7th, 1794.

^{204a} "If truth, my lord, is always useful, atheism is then not the truth, for it is always more fatal to men than war, famine or pestilence." Leg., liv. 4, ch. 2, p. 172.

"In the eyes of the legislator, everything that is useful to the world and good in practice, is the truth." Robespierre, May 7th, 1794.

²⁰⁵ "Plato has said that no fault should go unpunished, otherwise you will see that little by little citizens will become familiar with evil, and finally will openly violate the most sacred and the most important laws. But how can every default be punished? How can citizens who know the narrow limits of human wisdom be persuaded that the culprit never escapes chastisement, if they do not know that they are under the hand and under the eyes of a supreme Being who governs the world and whose justice rewards virtue and punishes vice?" Leg., liv. 4, ch. 2, p. 151.

"This doctrine, founded on the justice of the gods, so dear to our reason, so commensurate with our needs, has terrors for our passions alone." Phoc., ent. 3, p. 146.

"Crimes have their grades, for evil-doers need to try their hand at evil-doing. They first familiarize themselves with the idea of crime; then they seek means for evading the vigilance of the magistrates, and for escaping from the rigour of the law. . . . In the end crimes are committed with audacity and without remorse. But if the culprit had known that he had a judge who cannot be deceived and from whom he cannot escape, fear would doubtless have produced a salutary effect on his heart, and repressed his passions at a time when they were still able to obey." Phoc., ent. 3, p. 147.

"I know how much we are the slaves of our senses. The passions, in disturbing our reason can, it is true, distract us from the fear of the gods; but this fear is always an additional check. Moreover, their intoxication does not last for ever. Reason has moments in which it comes to itself, and the idea of an avenging God should then take a culprit aback and fill him with wholesome uneasiness. Finally, age supervenes; the passions grow feeble, and sentiments of religion at least repair the ills that they were unable to prevent." Phoc., ent. 3, pp. 148-149.

²⁰⁶ "Everywhere the wisdom of men has its limits, and beyond these limits we only see a bottomless abyss unless we find God and the faith of oaths." Leg., liv. 4, ch. 2, p. 181.

²⁰⁷ Leg., liv. 2, ch. 4, p. 216.

²⁰⁸ Leg., liv. 4, ch. 2, p. 176.

²⁰⁹ Rochery's conclusion is interesting albeit untenable: "This humanitarian philosopher who was indignant with the laws of his day, and who only made an exception to the spirit of forbearance in the case of atheists, whose crime seemed to him to be worthy of death, was himself an atheist without knowing it: is not to deny progress also a denial of religion? (*Mably, théories sociales et politiques*, 1849), p. 37.

²¹⁰ "Religion cannot be taught with too much simplicity. . . . The true science of religion consists of knowing its dogmas and its rites, and in transmitting them to one's children as one has received them from one's father." Leg., liv. 4, ch. 4, p. 227.

Cf. Martineau, *rapporteur* of the Ecclesiastical Committee, and the

debate on the Civil Constitution of the Clergy, commencing May 29th, 1790.

²¹¹ "I agree with you . . . that a wholly metaphysical religion, by freeing our soul from our senses and thereby elevating it to God, would appear more sublime and would guarantee the probity of the citizen who practised it. But permit me to ask whether it would more nearly conform to the nature of men. We are not angels. If our soul exercises great power over our body, it is equally certain that our body exercises in its turn a great power over our soul; and it is because their action is reciprocal that I desire a religion which, by elevating us to spiritual ideas, at the same time holds to a cult and external ceremonies which unite the citizens by actions which appeal to the senses, and dispose them to have only one mind and fulfil their mutual duties. You expect great things from the refined religion of the Deists; it will perhaps produce a few sages; but what I know beyond a doubt is that if you neglect to remind the multitude by a public, periodic and uniform cult, to think about a God who is just, beneficent, who governs the world and reads the depths of our hearts, you will see all feeling for religion in one way or another gradually fade away; or become distorted in the strangest manner." Leg. pt. 2, liv. 4, ch. 3, pp. 190-191.

"Men who are so vain, so feeble, so frivolous, in a word so stupid, have need of these so-called trivialities; and the people led by their senses cannot, like them (philosophers), rise to sublime truths and extract good from the source of happiness itself." Gl., p. 467.

Cf. the decree of the Constituent Assembly: "There shall be established national fêtes to preserve the memory of the French Revolution, maintain brotherhood between the citizens and attach them to the constitution, to the country and to the laws". In connection with the Constitution of 1795 Dounou calls them "the most vast means of public instruction".

²¹² "Where I see the spirit of sacerdotalism I no longer see the spirit of God; and the only danger which a society incurs by not being religious in the manner of the priests is that of failing to become superstitious." Cit., let. 5, p. 106.

²¹³ Sup., pp. 331-332.

²¹⁴ "In considering man as subservient to the rule of God, who is the first and sovereign magistrate of the world, as living in society with his fellows, and ordered to work for his own happiness, it has been truly said that we have duties to fulfil towards God, towards our neighbour and towards ourselves. From this general rule, the truth of which cannot be denied, have been drawn consequences both false and dangerous. . . . What must happen among people who are not enlightened by the true religion, the moment they put piety, that is to say their religious practices, at the head of all the virtues? . . . It was too easy to purchase innocence for guilt to hold any terrors. Indulgence was shown towards passions which, by making us unjust to our fellows, necessarily prevented us from being happy ourselves. . . . We sometimes persecuted our neighbours in order to please God; we thought that He had need of our arms for the defence of truth; and the people were the dupes of fanatical zeal or of the ambition and the avarice of the exalted who led them to battle. . . . A crude and reckless philosophy, instead of beginning with the study of man, that is to say of his social qualities, his reason, his passions, which Providence has destined to serve him as guides on the road to happiness, dared to flatter itself that it knew the

designs of Providence, and to lay down rules of conduct for us. . . . The virtues, which make good citizens, good fathers, good friends, good masters and good servants are the first virtues, and the best way to merit the favour of heaven is to be useful to men. . . . The mind opens with joy to this doctrine, and the heart devours it; henceforward I see men unite, love one another, help and protect one another. . . . Those philosophers who, by preaching a sort of self-abnegation, invited us to sacrifice ourselves to the happiness of our fellow citizens were still far removed from the true and first principle of ethics. In fact, what strange words for a being . . . who of necessity loves himself, who without ceasing wishes to be happy, and who, in all his actions, consults his own particular advantage!" *Mor.*, liv. 2, pp. 80-88.

²¹⁵ "I am persuaded that revelation extends its province only. . . over those objects which I cannot reach by my natural reason. . . . Revealed truths stand above reason but can never be contrary to it." *Sup.*, pp. 335-336.

²¹⁶ "Every people that is not barbarian has a religion; and God has never failed to reveal His will to the priests: this is what is generally known as Divine Laws. It would be madness not to obey them, if it is proved that the priests who make heaven speak or who speak by its command are not dupes or rogues; but it is of the greatest importance to ascertain this, for it has been only too well proved that in true religion, just as in the false religions, priests are always men. If they reveal mysteries to us which are above our reason but without contradicting it; if they order a cult which has nothing about it unworthy of the majesty of God, and nothing contrary to morality, why should we hesitate to obey? If they wish to exalt wicked practices, which are objectionable and often pernicious to society; if they wish to make virtues of them; if they spread morals and maxims which are contrary to the light of reason, out of self interest; I think it is wiser to think that they are in the wrong than to attribute to God their criminal and puerile extravagances." *Cit.*, let. 5, p. 106.

²¹⁷ "If the government has been stupid enough to corrupt ministers of religion by great riches and great power, it is in the law of human prudence that they debase and disguise this religion which condemns them, and that they substitute superstitious practices for true morality." *Sup.*, p. 348.

²¹⁸ "See with what ease everything degenerates and becomes corrupted by ignorance. . . . It was without a doubt a good thing to authorize the piety which made the faithful visit the tombs of the saints; for it is natural that, being interested in the virtues of the celebrated men whose relics they were going to honour, they conceived a more ardent desire to imitate them. . . . But the fervour of the faithful diminishing finally day by day, it was not considered that these pilgrimages became rarer because people were less pious, but that people were less pious because they (the pilgrimages) were less frequent. Ecclesiastics, perhaps zealous, probably interested, but certainly ignorant, consequently endeavoured to revive the faith of believers: they thought to deceive them for their good. They no longer spoke of anything but the miracles which were performed on the tombs of the saints, and imperceptibly they lent to religion the support of falsehood. This fervour was as yet only fleeting, for it is only of truth that one never wearies; and to reanimate piety they had to teach that, by the help of these pilgrimages, one obtained the remission of all one's sins." *Leg.*, liv. 4, ch. 4, pp. 224-225.

²¹⁹ Sup., pp. 317-318.

²²⁰ "We love the marvellous, and we have to make an effort over ourselves not to believe it. We are so desirous of happiness that we would have faith in the predictions of a sorceress without believing in her art." Sup., pp. 323-327; see also pp. 341-343.

²²¹ On no account should you confuse the rights of church and state, "rights equally sacred, separated by their nature, which in man's interest cannot be separated by boundaries too rigid and too definite". Dr. Pub., ch. 2, p. 154.

²²² "Ecclesiastics are enemies of liberty; they fear lest it be turned against them; you can never deceive a free people; it is easier and quicker to get the better of a monarch, and to govern him in this world by making him fear the next." Cit., let. 6, p. 187.

"They should not have forgotten that nothing is more contrary to the good of society than to allow men to exercise in it a branch of civil authority whilst pretending not to hold it from that same society. . . . They should have known the danger there is in granting temporal power to men who speak in the name of God. Infallible in the matter of dogma, they can make mistakes in anything else. They may lay claim in good faith only to be acting for our salvation, by subjecting us to their will." Hist. Fr., liv. 4, ch. 5, p. 148.

Cf. Article 3 declared by the National Assembly, August 17th, 1789, and the Constitution of 1791.

"If I want to play the apostle instead of being legislator, are there not a thousand chances to one that by confusing ideas of a contrary nature, and blinded by a misplaced zeal, I shall neglect the things of this world? I shall soon abuse my power in order to establish my doctrine and my opinion; I shall believe myself responsible for the souls of my co-citizens; out of love for them I shall compel them to find their salvation after my manner. . . . I shall cause consciences to revolt, and make myself odious; in order to intimidate my enemies and gain partisans for myself, I shall have to mete out punishments with one hand and favours with the other; that is to say that I shall create hypocrites and liars, and I shall countenance piously most of the vices that I ought to have destroyed with the help of religion." Leg., liv. 4, ch. 4, pp. 212-213.

²²³ Hist. Fr., liv. 3, ch. 4, p. 26.

²²⁴ Hist. Fr., liv. 4, ch. 5, pp. 157-158.

Cf. Martineau, *rapporteur* of the Ecclesiastical Committee, and the debate in the Assembly on the Civil Constitution of the Clergy, beginning May 29th, 1790.

²²⁵ "What is the use of taking oaths, when you believe that you can be relieved of them? The promise not to ask indulgence in this regard is itself illusory; you can be liberated from that too. If one fears the ecclesiastical censures and excommunications, and not the judgment of God, for whose benefit are they? Do not all princes know that there are a thousand ways of eluding them, and that the court at Rome, careful to consult circumstances, knows, according to its needs, whether to be indulgent or severe." Dr. Pub., ch. 2, p. 154.

²²⁶ Speaking of Luther and Calvin, he continues: "One could not overpraise the zeal of these two innovators, if in the matter of dogma they had been content to show the deep sores which ignorance, ambition, avarice and superstition had produced in the ethical teaching of the Gospel. Whilst attacking the vices of the priesthood they should have respected its nature and, instead of irritating them (the priests) by insults

and bitter reproaches, they should have asked them with gentleness to mend their ways. If they had wished to substitute the ancient government of the apostles for the absolute monarchy of the Pope, they should have instructed the bishops concerning their rights and taught them by what artifices their dignity had been degraded, and by what means it could be re-established. If Luther and Calvin had defended their opinions with less haughtiness and passion, the Holy See would, to all appearances, have protected the abuses to which it had given birth, with less stubbornness; truth would perhaps have triumphed and united all minds." Hist. Fr., liv. 7, ch. 2, p. 106; also liv. 4, ch. 5, p. 155.

²²⁷ "I say, then, that the government must be intolerant; but do not be dismayed at this expression, my lord. By intolerance I mean only an extreme attention towards preventing the degeneration of religion or the formation of a new one. And everyone knows, with the exception of our brilliant philosophers, that the Romans had this intolerance as long as their republic was well governed. But suppose a new religion has been established. I agree with the author of the *Esprit des loix*, that the time for proscription has passed, and that it must be tolerated. If it be a superstition which might become dangerous, only meet it with gentleness; its own abuses will in the end enlighten people. Unduly harsh laws would make them cling the more strongly to their errors. If you are so clumsy as to excite pity for the innovators, if they can pass for martyrs, you will increase the number of their partisans. Besides, what advantage would you derive from compelling citizens to betray their religion? Will men who do not obey their conscience faithfully obey the laws? Instead of proscribing the unfortunates who go astray, seek by what means you can make the new religion co-operate with you and love the government. If you deprive me of any of the rights which are mine as citizens, I shall have grounds for complaint; I shall distrust you because I shall believe you distrust me; I shall probably become guilty because I shall see that you already regard me as such. Once a legislator is enlightened enough to tolerate me he must accord me everything that does not harm good morals and the principles of government. He must protect the new religion as sincerely as the old; if he does not, there will first arise complaints, murmurs and reproaches. Scandals and hatred will succeed, and citizens will take arms against one another. . . . What! because the Lutherans, the Roman Catholics and Calvinists cannot admit one another to their respective communions, must they cut one another's throats? God alone knows what punishment is fitting for spiritual error; but reason shows us that in this world it is not a crime worthy of death. Can the legislator be culpable when he obeys eternal law which commands men to love one another? I confess I should have some difficulty in believing that the government would be wrong if it were to imitate the goodness and patience of God." Leg., liv. 4, ch. 4, pp. 229, 232.

Note the attitude of the Paris Jacobin Club (January 9th, 1791) towards the enforcement of the Civil Constitution; they recommend moderation, for persecution only makes martyrs.

²²⁸ "The moment the government has been unfortunate enough to commit an act of persecution, you will see religion degenerate into fanaticism. Never put into opposition laws divine and human; for worthy people who believe they hear the commands of God will not obey men." *Loc. cit.*, p. 233; see also Hist. Fr., liv. 2, ch. 2, p. 244, where Mably condemns the Franks for having spread Christianity by the help of the sword; see also Dr. Pub., ch. 15, p. 223 where he speaks of the unwisdom

of England in not giving full civil and political rights to Roman Catholics within the empire.

^{228a} "If one feared the Protestants, one could not allow them a too public exercise of their religion; these places of worship, always about to be closed or forbidden, became nothing but centres of intrigue, cabal and fanaticism." Hist. Fr., liv. 8, ch. 5, p. 108.

²²⁹ Dr. Pub., ch. 7, p. 8.

²³⁰ Gl., p. 447.

²³¹ "They (U.S.A.) should have made a law to prevent the establishment of new religions and obliged all citizens to belong to one of the cults known and authorized in the republic. . . . Without this precaution there is the danger that they will regard all religion with an indifference which destroys morality, and which takes away from society the faith of oaths which she daily needs; or, of making *illuminés* and ambitious people who, thinking to discover new truths in the Scriptures, or for the honour of creating a new sect whose chiefs and apostles they will be, will sow among the citizens and members of the government seeds of jealousy, hatred, discord, and turmoil." Gl., p. 446.

²³² "I know . . . that the government has often been blamed for taking part in theological disputes and for making them into affairs of state; but without a doubt insufficient attention has been paid to the power of religion over the minds of citizens; and it is only among a people sufficiently wise and enlightened to know that it must be permitted to every man to honour God according to his lights and his conscience that diversity of cults and of religious opinions will cause no trouble." Hist. Fr.

Note that neither the National Assembly, nor the constitutional church, nor the refractory church, nor the nonconformists, nor the "patriots" desired freedom of religion. See Lavissee.

²³³ Cf. Martineau, *rapporteur* of the Ecclesiastical Committee, and the debate on the Civil Constitution of the Clergy (in the National Assembly), beginning May 29th, 1790.

²³⁴ " . . . Every Deist who wishes to destroy religious rites in order to bring men to an inward and purely spiritual cult, must be restrained like a visionary or an *illuminé* whose doctrine is undesirable for society. I will leave to you the onus of enforcing the law which you think most suitable for his correction; but remember that it would be better to make him take hellebore than hemlock. The law must inflict a punishment on the impious man who publicly insults religion by his sacrilegious action, and on the Deist who, by his discourses, outrages and reviles it. . . . Our secret thoughts and feelings must not be subjected to human laws if you do not want to establish a most revolting tyranny. Let men judge actions, God alone judges thoughts. . . . Prevent impiety in order not to have to punish it. . . . Take great care to prevent atheists and Deists from daring to publish their doctrine. . . . When a Deist has been imprisoned for having broken the law of silence imposed upon him, let nothing be neglected to instruct him and make him recognize his fault. Magistrates must take the liberty of pointing out to him that he has been very imprudent and that his imprudence is very harmful to society. . . . If he feigns scruples about practising a religion which he does not believe to be true, make him feel the difference which exists between a hypocrite who basely cloaks himself with a lying zeal, and the wisdom of a man who is content to respect a religion which his compatriots cannot do without. Do not let the culprit regain his liberty

unless he promises to conduct himself with prudence and circumspection. Do not force him to retract; you would be a dupe if you counted on it, and you would give to a dishonourable action a grace which can only be bestowed on a sincere repentance. A relapse must be punished with two or three years' imprisonment. If after this long correction a Deist still has the same thirst for celebrity and martyrdom, you must at last resolve to treat him as an atheist." *Leg.*, liv. 4, ch. 2 and 3.

CHAPTER IX

²³⁵ "Without liberty man is only a passive instrument, he desires what necessity prompts him to desire; he is actuated by objects which strike him as clouds are driven by the wind. He does not deliberate when he imagines he is doing so; he does not decide for himself, his actions are determined by others; and there is consequently as regards himself neither moral good nor ill, neither justice nor injustice: in a word, all is the same to him apart from the pain and the pleasure which rends or flatters his senses." *Leg.*, liv. 4, ch. 2, p. 153.

²³⁶ *Ec. Hist.*, ent. 1, p. 73.

²³⁷ "It is need which makes slaves, and they are all the more unfortunate in that no law provides for their subsistence. . . . It is to toy with one's reason to pretend that all men are free in countries where the citizen employs another citizen to serve him, and condemns him to occupations which are the vilest and hardest for mankind." *Dr. Pub.*, ch. 11, pp. 15-16.

"What I say there is extremely true, for in a free nation salaries must be large enough for those who receive them to be beyond that absolute dependence caused by the lack of necessities of the first urgency, and which is almost that of slavery." Chapelier, in the National Assembly, June 14th, 1791. See also the decree of August 10th, 1792, and the Constitution of 1795, where those in domestic service "who cannot be quite independent" were excluded from universal suffrage.

²³⁸ *e.g.*, *Et. Hist.*, pt. 3, ch. 4, p. 35.

²³⁹ *Rom.*, liv. 3, p. 181. *Hist. Fr.*, liv. 2, ch. 3, p. 277; see also liv. 7, ch. 1, p. 101.

"Servitude smites men and lands with sterility; liberty, whilst multiplying your inhabitants, will give a new value to the products of the soil, will give birth to arts yet unknown to you, and will furnish you with the necessary forces for defending you against your enemies, and for making you respected." *Pol.*, pt. 1, ch. 11, p. 176.

²⁴⁰ "Tell me for what reason men would have lost their property in themselves, if when uniting into society they had not established private property in land. Were I to find myself to day in a society which adopted the generous resolutions of obeying the laws of Plato, and of establishing community of goods, why should my co-citizens and I lose property in ourselves?" *Doutes*, let. 1, p. 5.

²⁴¹ *Pol.*, pt. 1, ch. 1, pp. 7-8.

"Liberty, in making people more proud, more courageous, more enterprising, always excites some storms in the countries where it is established. It does not suffice to command a people to be free in order to make it so; it is not sufficient to make laws; you must change in the

citizens their way of seeing, feeling and thinking or their old prejudices will triumph over the wisdom of the magistrates." *Hist. Fr.*, liv. 2, ch. 3, p. 277.

²⁴² "Liberty without morals degenerates into licence, and that licence necessarily brings about domestic tyranny or subservience to a foreign power." *Phoc.*, Ent. 2, p. 84; see also *Cit.*, let. 7, p. 23.

²⁴³ *Ec. Hist.*, ent. 2, p. 171, and *Hist. Fr.*, liv. 1, ch. 3, p. 172.

"I beg you, my lord, not to believe that it was necessary to preserve both independence and equality in order that we should be happy. Both, it is true, are gifts of Nature, but they are different, and they are made for different ends; we were not created equal because it was important to remain independent; but we were born independent because it was important for us to be born equal, and to remain in our equality. This truth becomes obvious when one considers that independence, which consists in not having to justify one's conduct to anyone, and to be led, if I may use the expression, only by the lights of one's reason, and the movements of one's conscience, cannot exist in the state of society where man, having become a citizen, sees over him laws, tribunals and magistrates. If it was useful for us to form societies, it was also useful for us to renounce our independence. It was not the same with our equality, and I have already proved to you that it is the source of the greatest benefits, and that we cannot lose it without exposing ourselves to the greatest evils." *Leg.*, liv. 1, ch. 3, p. 63; see also *Cit.*, let. 1, pp. 12-13.

²⁴⁴ "The source of all good is love of liberty; but it must be accompanied by a love of the laws: without a union of these two sentiments, laws, always uncertain and vacillating, will alternately be dictated and destroyed by the passions of the multitude; and anarchy will finally produce tyranny. Love of liberty suffices to give birth to a republic, but only love of the laws can preserve it and make it flourish; and politics must in consequence make its principal object the union of these two sentiments." *Cit.*, let. 4, p. 120; see also *Dr. Pub.*, ch. 10, p. 247.

"... Among the freest peoples enthusiasm and liveliness are, after corruption and venality, the most redoubtable enemies of liberty." *Pol.*, pt. 1, ch. 2, p. 27; see also *Gr.*, liv. 3, pp. 138-139.

²⁴⁵ *Ec. Hist.*, ent. 1, p. 73.

"The impotent efforts of the prince only served to give additional force to the national spirit which was in process of formation, and which a too great security would probably have hampered in its progress: repose is the enemy of liberty." *Hist. Fr.*, liv. 5, ch. 4, p. 84; see also *Rom.*, liv. 2, p. 128.

"These little disturbances which alarm you are, it is true, a drawback; but they are accompanied by an advantage which makes for the safety and the well-being of the state." *Cit.*, let. 4, p. 113.

"Woe to them whose subjects neither complain nor murmur against abuses, nor foresee the future, nor propose remedies for evils! It is the most sure sign that they are no longer citizens, and that the misfortunes of the prince and of the country are matters of indifference to them." *Hist. Fr.*, liv. 6, ch. 4, p. 21; see also *Cit.*, let. 3, p. 95.

"A sovereign people which makes its own laws would soon obey an absolute monarch, or some privileged families, if it ceased continually to confirm its liberty, and to repair the imperceptible injuries to its constitution; for the magistrates who are established to watch over the execution of the laws have a considerable advantage over the plain

citizens whose attention is often drawn away from public affairs." *Cit.*, let. 2, p. 44.

²⁴⁶ "This Athenian legislator was once asked which city seemed to him the happiest and best administered. It would be, he answered, the one in which every citizen regarded the injury done to his fellow as his own, and clamoured for redress with the same warmth." *Cit.*, let. 3, p. 95.

²⁴⁷ "I am distrustful of a liberty of which military men are the champions; if they oppress the tyrant, it is rare for them not to usurp the tyranny. Cromwell will always have his imitators." *Cit.*, let. 6, p. 189; see also let. 3, p. 72.

²⁴⁸ "I could wish that, in a nation which is not free, people would deeply engrave in their minds that reforms suggested by the ministry are so many traps set for the credulous public. . . . Read the history of all monarchies and everywhere you will find that it is by dint of abolishing small abuses in a nation that the intolerable abuse of arbitrary power is born; examine how aristocracies were formed: see by what artifice magistrates have made themselves masters of the people and everywhere you will find that evil has been done under the pretext of doing good." *Cit.*, let. 5, pp. 157-158.

After describing the destruction of the privileges of the French towns by Charles VI, Mably writes: "The events which forced them to pay arbitrary contributions at the same time brought the whole of the Third Estate of the Realm under his yoke. Even the clergy and nobility soon felt the repercussion; so true is it that in a monarchy no class of citizens ever loses its prerogatives without those of the others being shaken and finally destroyed." *Hist. Fr.*, liv. 6, ch. 2, p. 163.

²⁴⁹ *Cit.*, let. 5, pp. 155-160.

²⁵⁰ *Cit.*, let. 5, p. 168.

²⁵¹ "The stupid citizen is indifferent alike to good and evil, and then what hope remains? The thinking man works for the establishment of the empire of reason; the man who obeys without thinking throws himself into slavery." *Cit.*, let. 4, p. 112.

²⁵² Fear lest you inspire a blind and superstitious love, which prevents us from seeing the vices of our laws and desiring better ones." *Leg.*, liv. 4, ch. 1, p. 144.

²⁵³ "I agree that the laws, the treaties or conventions which men make on uniting into society, are in general the rules of their rights and duties; the citizen must obey them as long as he knows of nothing wiser; but as soon as his reason enlightens and perfects him, is he condemned to sacrifice himself to error?" *Cit.*, pp. 13-14.

"Let us beware of a superstitious respect for those laws actually in force." *Leg.*, liv. 3, ch. 3, p. 81.

²⁵⁴ *Cit.*, pp. 24-25.

²⁵⁵ "There is in our modern states a crowd of men without fortune who, living only by their work, do not in a sense belong to any society; . . . this terrifying right of reforming should not become a duty for this species of public slaves, whose ignorance, education and servile occupations condemn them to having no will." *Cit.*, let. 3, p. 50.

²⁵⁶ "Reason with which Nature has endowed us, liberty in which she has created us and invincible desire for happiness which she has placed in our soul, are three titles which every man can assert against the unjust government under which he lives." *Cit.*, let. 2, p. 28.

²⁵⁷ Cit., let. 3, pp. 81-84.

Cf. Condorcet in the Convention, February 15th-16th, 1793. See Declaration of the rights of man and the citizen, June 24th, 1793, Art. 35, "When the government violates the rights of the people, insurrection is for the people and for every portion of the people the most sacred of rights, and the most indispensable of duties."

²⁵⁸ Cit., let. 1, p. 10.

²⁵⁹ "Let us note . . . that liberty is a second attribute of humanity, that it is just as essential to us as reason (the first attribute), and that it is even inseparable from it." Cit., p. 23.

²⁶⁰ Leg., liv. 4, ch. 1, p. 134.

²⁶¹ Cf. the attitude of the Assembly towards advanced opinion, e.g. Decree of July 31st and August 1st, 1790, condemning Marat's *C'en est fait de nous*, and all incendiary publications; also *Révolutions de France et de Brabant*, Camille Desmoulin's *Ami du peuple*, also Robespierre in the Convention, March 11th, 1793.

²⁶² "It is true that without the liberty of the press there cannot be freedom of thought, and that our morals (*mœurs*) and our knowledge cannot progress. Grant all to the savants who study the secrets of Nature . . . or who write about the laws, the rules, the resolutions, and the particular arrangements of politics, and of the administration; their errors will not be of consequence; their discussions, such as they may be, sharpen our understanding." U.S.A., let. 3, p. 176; see also Cit., let. 3, p. 59.

²⁶³ U.S.A., let. 3, p. 180.

²⁶⁴ "A citizen is neither a conspirator, nor a disturber of the public peace, if he proposes to his compatriots a form of polity wiser than that which they freely adopted, or which events, passions and circumstances have imperceptibly established." Cit., let. 2, p. 28; see also Hist. Fr., liv. 5, ch. 3, p. 58.

Cf. Robespierre in the Convention, March 11th, 1793.

²⁶⁵ "An unjust law, under whatever name, cannot pass any more for a law because a people has submitted to it." Cit., let. 4, p. 103.

"In those happy regions where laws, the work of a free people, are meditated, passed and published with that formality and wise reflective slowness which gives them majesty and force, I could wish with Plato that the citizen should not claim to be wiser than the law, by refusing to obey what he thinks is unjust. . . . Doubt is not a sufficient reason for disobeying the law. . . . But in a pure democracy where every citizen can put forward his dreams and make laws of them, or having taken no reasonable precaution for confounding the plots of the ill-intentioned, for encountering infatuation and for deadening the ever-impetuous passions of the multitude, it is clear that everything is decided by intoxication; must I humiliate my common sense, to the point of blind submission to the decree of an assembly which is nothing but a mob? Is it not permitted to me to conspire, like Lycurgus, against laws which are the undoing of my country?" Cit., let. 4, pp. 109, 110.

²⁶⁶ Cit., let. 6, p. 186.

²⁶⁷ Cit., let. 6, p. 189.

"Civil war is an evil inasmuch as it is contrary to the security and happiness which men aspired to when they formed societies, and which makes many citizens perish. . . . But civil war is a benefit when society,

without the help of this operation, will be exposed to perish of gangrene, and . . . run the risk of dying of despotism." *Cit.*, let. 3, p. 69.

²⁶⁸ "Give their anger time to subside, and they will once more return to their government, their laws, their habits and their prejudices." *Et. Hist.*, pt. 3, ch. 1, p. 295.

²⁶⁹ "The people only complain when driven to extremity; they pardon more easily than they avenge; they are neither fickle nor unmanageable when they are happy." *Et. Hist.*, pt. 1, ch. 4, p. 49; see also Doutes, let. 7, p. 179; *Leg.*, liv. 4, ch. 1, p. 147; *Hist. Fr.*, liv. 4, ch. 3, p. 109.

²⁷⁰ The wisest step for a revolting people to take is "to write at the head of its laws that they are only provisional and that they (the people) reserve the right to examine them in the calm of peace, and to change and modify in a firmly established republic regulations which were perhaps only good during its formation." *Cit.*, let. 6, p. 175-176.

²⁷¹ *Cit.*, let. 6, pp. 171-172.

CHAPTER X

²⁷² *Hist. Fr.*, liv. 4, ch. 5, p. 148.

²⁷³ "The legislator is for society what those wise men were for you who, presiding over your education, taught you to regulate the movements of your heart, to contract honest habits, and to defend your reason against the blows of your passions." *Et. Hist.*, pt. 1, ch. 2, p. 28.

²⁷⁴ "All the laws must give one another mutual support, for they all tend to the same end—to make men love justice, temperance, glory, and country." *Leg.*, liv. 3, ch. 3, p. 62; *Hist. Fr.*, liv. 5, ch. 2, p. 37.

²⁷⁵ *Rom.*, liv. 2, p. 80; see also *Liv.* 3, p. 108; *Phoc.*, Ent. 2, p. 79 note.

"Man is not made to obey the will of another, but only the laws of which the magistrate, whatever his name, whatever his eminence, can only be the organ and minister." *Cit.*, let. 5, p. 148.

Cf. Brissot's discourse at the Jacobin Club, reported in the "*Patriote français*" of July 15th, 1791. Also Robespierre's speech in the National Assembly on July 14th, 1791.

²⁷⁶ *Et. Hist.*, pt. 3, ch. 4, p. 25.

"Nothing in fact was more absurd than to have an executive power before the establishment of a legislative power. You must have laws so that you can obey them, because without a legislator nothing is fixed and because by their nature customs, which are always equivocal, uncertain and unstable, will inevitably obey a thousand chances and a thousand conflicting events which must continually change them." *Hist. Fr.*, liv. 4, ch. 2, p. 95.

²⁷⁷ *Et. Hist.*, pt. 1, ch. 3, p. 30.

²⁷⁸ *Loc. cit.*, ch. 7, p. 101; see also *Leg.*, liv. 3, ch. 4, p. 87.

²⁷⁹ "Impartiality of laws consists principally in two things: the establishment of equality in fortunes and in the dignity of citizens." *Et. Hist.*, pt. 1, ch. 3, p. 33.

Throughout history "impartiality or partiality of the laws has been the happy or unhappy root of all good or of all evil. . . . Wherever equality is not respected, justice will have two weights and two measures,

everywhere will be formed those proud patricians who find it strange that Nature should have deigned to grant to plebeians lungs to breathe, a mouth to speak and eyes to see." *Loc. cit.*, p. 39.

²⁸⁰ U.S.A., let. 4, p. 210; see also let. 1, p. 114.

²⁸¹ Hist. Fr., liv. 1, ch. 3, p. 170; see also U.S.A., let. 1, p. 113, and let. 4, p. 212.

²⁸² "Reasonable beings recognize the necessity for laws; they love them if they have made them, but they fear and hate them if they are imposed as a yoke." Hist. Fr., liv. 5, ch. 2, p. 33.

"Nothing is more opposed to the well-being of society than to see men exercising therein a branch of civil authority while claiming not to hold it from society itself." Hist. Fr., liv. 4, ch. 5, p. 148.

²⁸³ Leg., liv. 3, ch. 1, p. 18.

²⁸⁴ "It is by abandoning the rules of our conduct and of our rights to interested discussions between citizens and juriconsults that we have to some extent arrived at the state of having no laws, being overwhelmed by the number of monster volumes which contain them." Leg., liv. 1, ch. 4, p. 114; see also liv. 3, ch. 3, p. 60.

²⁸⁵ "If laws are simple and clear, there is no need for much study to make a good judge; if they are confused and obscure, they thereby open the way for fraud and chicanery." Pol., pt. 1, ch. 11, p. 182.

Cf. Duport speaking in the National Assembly on the reform of the judicature, March 29th, 1790; also Sieyès' project read in the Nat. Ass., April 8th, 1790. Approved by Clermont Tonnerre. See also letter from Babeuf to Coupé, September 10th, 1791.

²⁸⁶ "It is unjust, it is ridiculous, to harass the citizens about the observance of a law which can produce no good." Leg., liv. 3, ch. 3, p. 77.

"Laws which produce no good at all will of necessity bring about great evil because they will accustom the citizens to despise the government, or at least not to have any faith in it." Pol., pt. 1, ch. 10, p. 162.

²⁸⁷ Pol., pt. 1, ch. 8, p. 118.

²⁸⁸ "If a law is equivocal or seems too harsh and contrary to the dictates of humanity, you must have recourse to the legislative power; it alone has the right of correcting itself, and it is essential for the safety and peace of the citizens, that no court of justice should exercise at will a jurisprudence which could easily degenerate into unbearable tyranny, as it will soon follow all the passions of the judges." U.S.A., let. 3, p. 185; see also Et. Hist., pt. 1, ch. 4, pp. 59-60.

Cf. Bergasse in the National Assembly, August 17th, 1789; also Thouret reading the report of the Judiciary Committee, December 22nd, 1789, in the Nat. Ass.

²⁸⁹ Leg., liv. 3, ch. 4, p. 111.

²⁹⁰ Hist. Fr., liv. 8, ch. 5, p. 110; see also liv. 1, ch. 3, p. 169; Leg., liv. 4, ch. 3, p. 199; liv. 3, ch. 4, p. 113.

Cf. Constitution of 1791: Rights of Man, No. 8; also Duport as Rapporteur of the Joint Constitution and Criminal Jurisprudence Committees, December 26th, 1790; also Condorcet in the Convention, February 15th-16th, 1793, titre 10, sec. 3, art. 2, of the proposed new Constitution.

²⁹¹ "Why does he not sometimes adopt the gentleness of an indulgent father? It is barbarous to punish the people for the stupidity to which they are condemned." Leg., liv. 2, ch. 4, p. 216.

"An enlightened legislator will endeavour rather to find means of preventing crimes than to find ways of punishing them." *Op. cit.*, liv. 3, ch. 4, pp. 87 *et seq.*

²⁹² "Although laws can never be too lenient, you must, however, beware of abolishing all capital punishment." Leg., liv. 3, ch. 4, p. 97.

²⁹³ Leg., liv. 3, ch. 4, pp. 97-98 and 105.

²⁹⁴ "Without its help, one is never safe against the tyranny of one's superiors, the violence of one's equals, and the artifice of one's inferiors; and finally because love of the laws and respect for the government, that is to say the strength of the republic, is only met with as a result of wisely administered justice." Pol., pt. 1, ch. 11, p. 168.

²⁹⁵ Leg., liv. 3, ch. 3, pp. 50, 61.

²⁹⁶ U.S.A., let. 3, p. 182; see also Hist. Fr., liv. 4, ch. 5, p. 154.

²⁹⁷ Pol., ch. 11, p. 181.

²⁹⁸ Hist. Fr., liv. 4, ch. 5, p. 154, 155.

²⁹⁹ Court procedure should be regulated most clearly and precisely with regard to "the number and quality of the judges and witnesses, cross examinations, reading of depositions, and collation. The magistrate must pronounce judgment aloud, giving the text of the law under which the guilty is condemned". Doutes, let. 5, p. 133.

"If the law has not pronounced against a crime, let the person who committed it suffer no penalty. The judge must only advise the legislator that there is something lacking in his work, and tell the culprit that he has not behaved like a good citizen, that he has transgressed the counsel of his reason, and that an honest man does not permit himself to do everything that the laws have not forbidden." Leg., liv. 3, ch. 4, p. 111.

Leg., liv. 3, ch. 4, pp. 115-116; Hist. Fri., liv. 7, ch. 3, p. 128; *loc. cit.*, p. 147.

Cf. Bergasse in the National Assembly, August 17th, 1789; also Thouret reading the report of the Judiciary Committees, December 22nd, 1789, in Nat. Ass.; also Constitution of 1791, Justice to be free; also Constitution of 1791: Rights of Man, No. 7.

³⁰⁰ *Ibid.*

³⁰¹ "The legislator should believe that men in general, left to their passions, are capable of the most odious wickedness; but he should stimulate them to well-doing by earning their trust; and in each particular case he must presume that the accused citizen is innocent and furnish him with all necessary means for unmasking the accusation. It is by elevating the soul, and not by killing it with consternation, that we can be led to the good. . . . The judge who condemns and has his sentences carried out in secret, is an assassin." Et. Hist., pt. 2, ch. 2, p. 151.

"It is better to see a hundred, a thousand, culprits escape the punishment they have deserved than to see one innocent man sentenced. . . . Innocence may seem timid and disconcerted by the paraphernalia of justice. The first sentiment of an honest man when accused of a crime must be a certain shame which embarrasses him; he is confused at having to justify himself; he contemplates with terror the uncertainty of human judgments, and it would be absurd to take his embarrassment for an avowal of the facts about which he is being questioned." Leg., liv. 3, ch. 4, pp. 107-113.

Cf. Dr. Guillotin in the National Assembly, December 10th, 1789; also Constitution of 1791; Rights of Man, No. 9; also Condorcet in the Convention, February 15th-16th, 1793.

³⁰² "I would even wish that fines should only be imposed when it is a question of punishing offences caused by avarice; but never let this money, the tribute of vice, soil the hands of the magistrates; it should be distributed to the poor." Leg., *loc. cit.*, p. 113.

³⁰³ Dr. Pub., ch. 13, p. 223.

³⁰⁴ "It is dangerous to throw him into despair, and sweet to give back to society a worthy man. It is only by repairing my faults, it is only by showing that I have reformed, that I can be allowed to be rehabilitated. The legislator hates misdeeds, but he is sorry for the guilty." Leg., liv. 3, ch. 4, pp. 114-115.

³⁰⁵ Leg., liv. 4, ch. 2, pp. 151-152.

³⁰⁶ Doutes, let. 3, p. 77.

Cf. Constitution of 1791; Rights of Man, No. 8; also Condorcet in the Convention, February 15th-16th, 1793.

CHAPTER XI

³⁰⁷ "A nation will never correct its vices unless it ardently desires a change; and it cannot hope for a change unless it is sufficiently enlightened to realize what it lacks, and to compare its present situation with another more advantageous one. . . . Some wish the people to be ignorant; but please note that this idea is only held in countries where liberty is feared. Ignorance is convenient for those in power; they dupe and oppress with less difficulty. The people are called insolent because they have not always the complaisance to suffer the great to be so; they are indocile and ought to be punished because they refuse to be beasts of burden. In order to forestall I know not what supposed unrest, which is only dangerous when one has not the brains to make the best of the situation, is it wise to expose oneself to the injustice of a government which will imagine it can do anything when it has grounds for hoping for complete immunity for itself? . . . You must have movement in the body politic, or it will only be a corpse. . . . Fear the passions, but do not let this fear make you want to stifle them." Cit., let. 3, pp. 56-64.

³⁰⁸ Cf. The Constitution of 1791; also Condorcet's proposed Constitution of February 15th-16th, 1793.

Cf. Robespierre's plan of National Education, read before the Convention, July 13th, 1793: Education is to be free, common and general; the State is to feed children as it is part of their physical equipment; boarding schools are necessary in order to prevent children from being exposed to the bad influences of their homes; robust and moral citizens will be the result; austere discipline should be enforced as it will engender obedience to law; good habits should be formed; instruction should be given in universal morality up to the age of twelve, after which each child should choose its own cult upon mature reflection.

³⁰⁹ "I agree that virtuous and enlightened parents will give a better education than mercenary school masters whose object is to teach painfully a little bad Latin and a lot of nonsense in a college." Leg., liv. 4, ch. 1, pp. 134-136.

³¹⁰ " But the legislator has fulfilled his duty in this respect when he has taken sure measures to prevent the fathers from being corrupted ; the tenderness and virtue of the fathers will answer to him for the nascent morals of the children." *Loc. cit.*, p. 121.

³¹¹ *Loc. cit.*, pp. 121-127.

³¹² " Leg., liv. 1, ch. 2, p. 59.

³¹³ " Those children, on the contrary, who obey without resistance everything that surrounds them, whose vitality is wholly in their arms and in their legs, and who show no traces of imagination or reflection are eternally destined to pass from one prejudice to another, from error to error, from infatuation to infatuation. To prevent this catastrophe, why do we not try to give them a character instead of foolishly praising their sweetness and docility ? I should like to make such a child quarrelsome, stubborn, choleric, jealous, envious, teasing ; some day he will be reproached for having one of these faults, but only because one will not know from what vices it has preserved him. . . . Why do you not at least try to arm your pupil against the dangers to which he is exposed, so to speak, by the nullity of his character ? Susceptible to all the vices which he will meet on his way, would it not be a great gain to give him one which would preserve him from all the others ? " *Mor.*, liv. 3.

³¹⁴ " Having so many vices to vanquish, it would be a bad economy of the forces given us by Nature with which to combat our passions, to employ them in acquiring a virtue which she does not demand from us. The efforts which one would make to conquer oneself, might engender a hardness too little compassionate with human weakness, and contrary to the prudent indulgence which morality demands. The soul, wearied by its struggles, will then perhaps allow itself to be carried away by some other passion, and abandon itself thereto without restraint." *Mor.*, liv. 3, pp. 179-180.

³¹⁵ " Love is the most dangerous of all our passions to young people whose morals have been neglected. . . . I admit that I should have some trouble in condemning rigorously, and regarding as a person from whom nothing is to be hoped, a young man who occupies his mind with useful and serious knowledge, but who, nevertheless, feeling within him I know not what effervescence which distracts and persecutes him in his occupations, would go and rid himself of it with the aid of a courtesan whom he despises, and to whom he will accord only the moments necessary for the recovery of the calm of his reason." He will come out without stain, weakness, error or prejudice. Mably cites Cicero's defence of Caelius and Cato's approval of the youth who preferred to go to a place of ill repute rather than to seduce a citizeness, which would have troubled the order and peace of a virtuous household. Unfortunately, with very few exceptions, women are a snare to young men, who only too readily become enslaved to them, to the sacrifice of the good life. *Mor.*, liv. 3, pp. 183-189 *et. seq.*

³¹⁶ " The passions and the habits of youth last beyond youth, and give their tint, their colour, to all the rest of life. . . . Age ripens us ; the passions which cling more immediately to the senses lose some of their strength, but we still preserve the character which they have given us." *Mor.*, liv. 3, pp. 195-199.

³¹⁷ *Leg.*, liv. 4, ch. 1, p. 121 *et. seq.*

³¹⁸ *Mor.*, liv. 3, p. 201.

³¹⁹ *Leg.*, liv. 3, ch. 4, p. 118.

³²⁰ Ec. Hist., ent. 2, p. 242.

³²¹ Leg., liv. 4, ch. 1, p. 121 *et. seq.*

³²² The first virtue of children is "respect for their parents and for their teachers; this must give birth to confidence and friendship without which all education is necessarily vicious." Mor., liv. 3, p. 165.

³²³ "Let young men find pleasure and glory in carrying burdens, in running, swimming, wrestling, and hurling stones and javelins." They should dig and fill trenches and brave all weathers fearlessly. Leg., liv. 4, ch. 1, p. 137; see also Beau, p. 326.

³²⁴ Leg., liv. 4, ch. 1, pp. 137-139.

³²⁵ *Loc. cit.*, pp. 139-141.

³²⁶ "It is easy to expose the nature of all our duties in a simple short and obvious manner, and every man can draw therefrom more or fewer consequences according as Nature has endowed him with more or fewer intellectual faculties." U.S.A., let. 3, pp. 172-174.

³²⁷ "In order to facilitate the harmonization of religion and philosophy, I have still a few measures to take; and I warn you that religion will be obscured and disfigured by senseless superstitions, if the society for which you legislate fails to train reason and neglects the study of natural and moral law. . . . If the laity is ignorant the clergy will be tempted to misuse its knowledge, and soon it will not take the trouble to become learned." Leg., liv. 4, ch. 4, p. 223.

³²⁸ "I defy you to cite a state in which women had power without destroying morals, laws and government. Hence bring up young girls to modesty and to love of work; mould their first habits so that they shall covet no other glory than that of being excellent mothers of families." Leg., liv. 4, ch. 1, p. 140. See the Editorials in the "Révolutions de Paris" for February, 1791, where Prudhomme uses Mably's words and arguments closely resembling Mably's.

³²⁹ "Descartes required a separation from all one's opinions in order to achieve an attitude of doubt, calculated to prepare one for the discovery of truth! Similarly, I should like a person who is studying politics to detach himself from his estate. He should distrust himself. Before erecting a system, I could wish a man to ask himself whether the law that he wishes to impose, whether the establishment that he desires, is not unconsciously inspired by interest or by that habit of mind which inclines us to think that anything favourable to our class and to ourselves indirectly is necessarily the wisest thing possible. A fool who is somebody only by virtue of his Bishop's cross, the order with which he is decorated, his regiment, or his office at court or in the parlement, is incapable of this effort over himself, and, I think, also of the study of politics." Et. Pol., p. 148.

³³⁰ "To want to be a politician without the help of history is like wanting to be a physician without probing nature by means of experiments." Et. Pol., p. 150.

³³¹ "I read them every day, and every day I find there new truths which I had not before perceived." Et. Pol., p. 153.

³³² "I wish you to distinguish with care the passions which form the character of a people from those which, being only the work of a transient accident, disappear with the circumstances which gave rise to them." Et. Pol., p. 158.

CHAPTER XII

³³³ " Nations, says Cicero, should only look upon themselves as various districts of the same city. Nature has established a general society comprising all mankind. . . . States owe to one another the same duties as families united under one government." Et. Hist., pt. 1, ch. 5, p. 65.

The whole earth is " our common fatherland, just as Greece was to the Greeks." Leg., liv. 2, ch. 2, p. 192.

³³⁴ Et. Hist., pt. 1, pp. 66, 73, 74.

³³⁵ Leg., liv. 2, ch. 2, p. 197.

Phoc., ent. 4, pp. 156-167, footnote.

³³⁶ Leg., liv. 2, ch. 2, p. 190.

" Ambition makes us look on our neighbours as natural enemies who hamper us, prevent us from expanding, of whom we must beware ; justice will represent them as friends who should aid and help us, and the law should command us to treat them as faithful friends, and to heal them by our indulgence of the suspicions and the jealousy which they might entertain. Should they be attacked by a foreign power whom they have offended, make every effort to reconcile them and show that you love justice ; if they are unjustly attacked, you will defend them because they form a barrier which shields you " ; but on no account sell your assistance. *Loc. cit.*, p. 199 ; see also Dr. Pub., ch. 2, p. 145.

³³⁷ " Your laws will be more or less wise according as they are more or less calculated to unite you to your neighbours, in such manner that you will constitute one federated republic ; that is the highest degree of perfection to which politics can rise." Leg., 2, ch. 2, p. 200.

" Has Nature made men to rend and devour one another ? If she orders them to love one another how could politics be wise in wanting patriotism to induce citizens to seek the happiness of their republic in the misfortunes of their neighbours ? Let us do away with these frontiers, these limits which separate Attica from Greece, and Greece from the provinces of the barbarians ; and it seems that my reason expands, that my mind is exalted, that my whole being enlarges and perfects itself. If it is sweet for me to see my co-citizens watching over my safety, how much pleasanter is it not to think that the whole world must work for my happiness ? " Phoc., Ent. 4, p. 159 *et. seq.*

³³⁸ Leg., *loc. cit.*

" In the eyes of philosophers titles are mere spectres ; but in the eyes of the multitude and of politicians, who are compelled to conform to their prejudices, they are actualities. . . . Seeing how men are the dupes of words, I can believe that the titles bestowed on themselves by the sovereigns of Russia are of real value to them. In certain circumstances they could become the germ of a thousand pretensions." Dr. Pub., ch. 6, p. 200.

³³⁹ Sit. Pol., p. 17 ; Dr. Pub., ch. 7, p. 4 ; ch. 6, p. 340 ; ch. 8, p. 96 (*re* the House of Hanover) ; ch. 10, p. 256.

³⁴⁰ Phoc., ent. 4, p. 184 ; Gl., p. 461 ; Et. Hist., pt. 1, ch. 5, p. 69. Leg., liv. 1, ch. 4, p. 108.

³⁴¹ "Can free nations, without degrading themselves, dispose of a people without their consent, and give them to a master as you would a flock in a farm?" Dr. Pub., ch. 8, p. 18; see also ch. 14, p. 65; Sit. Pol., p. 16.

³⁴² Dr. Pub., ch. 3, p. 222 *et. seq.*, ch. 9, p. 184.

³⁴³ Dr. Pub., ch. 12, pp. 189-192.

Cf. Pétion de Villeneuve in the National Assembly, May 17th, 1790; also Barnave in the National Assembly, May 20th, 1790: "I could by way of reply support myself on the very imposing authority of M. l'abbé de Mably; he has constantly thought that the politics of the French nation ought to exist not in secrecy but in justice."

³⁴⁴ Dr. Pub., ch. 6, p. 209.

"The best method of establishing one's position is to avoid the use of intrigue, whose dupe one always ends by becoming." Et. Pol., pp. 133-134, see also pp. 161-162.

"In this ferment of hatred, of distrust, of jealousy, etc., the art of seduction, of inspiring or of doing evil without too much exposing oneself to the resentment of one's enemies—that is what we now call politics in Europe, and it is that which brings unhappiness alike to governors and governed." Et. Pol., p. 139, see also p. 141.

"How much would not be gained by approximating to the laws of Nature? You would have the joy . . . of being loved by the nation which you govern; your credit would be assured; your ministry would be for ever renowned; you would have retarded the decadence of the state, and your success would not earn you the reproach of having been the cause and principle of the ills which will afflict the next generation." Et. Pol., p. 142.

³⁴⁵ "Do you wish to pave the way for easy and successful negotiations with foreign countries? Then seek to govern yourself with prudence within." Et. Pol., p. 160.

³⁴⁶ Dr. Pub., ch. 4, p. 45; ch. 1, p. 82; ch. 3, p. 213; ch. 14, pp. 107, 127 and 145.

³⁴⁷ Dr. Pub., ch. 3, pp. 238-239.

³⁴⁸ Dr. Pub., ch. 3, p. 240.

³⁴⁹ Speaking of the breach of the Peace of Aix of 1748 Mably writes: "To pretend that our engagements are annulled on the pretext that the Court of Vienna have not fulfilled theirs with exactness is a piece of trickery which would make our alliance despicable." Dr. Pub., ch. 14, p. 24.

³⁵⁰ Dr. Pub., ch. 8, p. 137.

See the reference to Mazarin's public avowal that Maria Theresa's abandonment of her claims to Spain were only a formality which had no weight. Dr. Pub., ch. 3, p. 211.

³⁵¹ Dr. Pub., ch. 2, p. 108.

³⁵² Dr. Pub., ch. 1, p. 104.

³⁵³ "Would it be betraying my country?" asks Aristias in *Entreviens de Phocion* (ent. 4, p. 174), "if, surrounded by ambitious, turbulent and perfidious neighbours I were to advise her to make use of the same weapons for her defence as those with which she is attacked? Moderation, justice and well-doing will be the dupes of ambition and fraud. . . . No," answers Phocion. "If my enemy attacks me with evil weapons I shall beware of abandoning my own." A little later (p. 183) Phocion

adds: "Justice, good faith, moderation and benevolence which are inspired by the love of humanity, are destined to secure the esteem and the affection of strangers, and consequently to serve as ramparts against their passions." Nevertheless we read the following in *Principes des Négociations*, ch. 4, p. 44: "I admit that virtue stripped of force only passes for weakness, and a State which will not defend itself against powerful neighbours, except by justice and moderation, will sooner or later be oppressed. But however vicious men appear to be, they are nevertheless such that they necessarily give their confidence to Spartan moderation or Roman generosity when these qualities are accompanied by strength and courage which it is so rare not to misuse."

³⁵⁴ Dr. Pub., ch. 2, pp. 153-161.

³⁵⁵ "Neighbours who, by their commerce, communicate to us their indolence, softness, pomp, luxury and avarice are more to be feared than armies which ravage our fields." Et. Hist., pt. 1, ch. 5, p. 73; also Cit., let. 1, p. 7.

³⁵⁶ Mably insists that merchants have no country; "their liberty, efforts and services, our whims, vices and caprices are, as it were, so many commodities in which they traffic; the rules of their cupidity and of ours—they are the rules of their morality." Leg., liv. 2, ch. 1, p. 137; see also U.S.A., let. 4, p. 217.

³⁵⁷ "I shall not stop to speak in detail of all the qualities necessary to make a perfect ambassador; I should depict a man who will never exist. And were one finally to meet him, there would be many circumstances in which it would be dangerous to employ him. Credit him with the most sublime knowledge of natural and international law, with having studied with care all the governments of Europe and penetrated into all the secrets of their princes, with a knowledge of all their engagements, their strength and resources; let his just, broad and fertile mind take a wide view of things without neglecting details; what could you hope from his services when he is sent to a court filled with intrigue, occupied with its pleasures, not knowing its own interests and where all eyes only see in affairs the minutiae which ought never to be seen there? This great man would pass as a ridiculous pedant. There are many circumstances where the mediocre man is the one who should be chosen; there are even some where a vice of character and perverseness of mind have served with advantage. Mlle. de Keroual, with big eyes, a small mouth and a slight figure, will negotiate more successfully at the Court of Charles II than all the plenipotentiaries of Munster." Princ. Neg., ch. 19, p. 216; see also Dr. Pub., ch. 10, p. 247-250.

³⁵⁸ "Of what use is it to give a detailed account of the duties of ambassadors if the government which employs them desires that they should be remiss in them?" Princ. Neg., ch. 20, p. 24.

³⁵⁹ Dr. Pub., ch. 14, p. 101.

"Passions must exercise a perfectly absolute dominion over us, and must be very skilful sophists to be able to persuade us, in spite of the evils that ambition has caused to the most powerful states, that it is wise to make war, to attempt conquests and to aspire to universal monarchy." Dr. Pub., ch. 15, p. 254; see also p. 257; ch. 9, p. 187; Phoc., ent. 4, p. 179; Rom., liv. 1, pp. 54-57; Mor., liv. 1, p. 55; Pol., pt. 1, ch. 13, p. 218.

"The people themselves, always the victims of war from which they derive no advantage in a monarchy, only spoke ridiculously about conquering provinces and humiliating their neighbours, and thought that it

was in their honour's interest to see their master reign over Naples and Milan." Hist. Fr., liv. 7, ch. 2, p. 110.

³⁶⁰ "There is no people, whatever moderation it affects, which does not wish to expand and subjugate its neighbours; for nothing more agreeably flatters all the passions of the human heart than do conquests." Rom., liv. 4, p. 184.

Mably advises the Poles "to declare in the most unequivocal terms that the republic is content with the territories which she possesses, and renounces now and for ever all ambitious projects for extending her frontiers". Pol., pt. 1, ch. 11, p. 287.

On May 22nd, 1790, the National Assembly renounced all aggression and all conquests.

³⁶¹ "If a people . . . uses force and violence against its neighbours, it is impossible for it not to be itself agitated by the fear which it inspires. Whilst increasing the number of its enemies it becomes suspect to its allies. Thinking to make itself powerful, it multiplies its dangers and diminishes its strength." Phoc., ent. 2, pp. 96-97; see also Dr. Pub., ch. 3, p. 220; ch. 15, p. 275; Hist. Fr., liv. 5, ch. 1, p. 15.

³⁶² Ec. Hist., ent. 1, p. 127.

³⁶³ "And by what miracle will these two passions, which were not afraid to violate all human rights and spill torrents of blood, make prudent use of victory which is so capable of intoxicating with pride the most moderate of men?" Phoc., ent. 2, pp. 96-97.

³⁶⁴ Dr. Pub., ch. 15, p. 218; Hist. Fr., liv. 7, ch. 1, p. 67.

"An exaggerated ambition has been, since the birth of society, the rock which will shatter the power of the greatest states." Dr. Pub., ch. 15, p. 187.

"After having become tyrants abroad will you still be able to be free within? The laws which establish your liberty will be destroyed by your vices; your divided citizens will take arms against one another and the ruin of your republic will avenge the oppressed universe." Leg., liv. 3, ch. 3, p. 67.

³⁶⁵ Princ. Neg., ch. 6, p. 71.

³⁶⁶ He advises the Poles to "examine seriously after every war whether the necessity of circumstances, the extraordinary resources to which recourse had perhaps to be taken, in a word prosperity or misfortune, has not changed the principle of the government and of liberty". Pol., pt. 1, ch. 13, p. 218.

³⁶⁷ "The more the machinery of government is extended, the less will its movements be prompt, rapid, exact and regular." The larger the territory, the more attenuated will be the strength of the government. Phoc., ent. 4, p. 181; see also Dr. Pub., ch. 4, p. 3, ch. 6, p. 221; ch. 8, pp. 35 and 59 (where Mably, speaking of the negotiations at Utrecht in 1712 makes the comment that the best way of weakening France would have been to make Spain a French province), ch. 9, pp. 187-188; ch. 11, p. 39; ch. 14, p. 128 (*re* French colonies); ch. 11, p. 30.

³⁶⁸ "A conqueror will always find himself in his provinces as though he were in an enemy's country, and his subjects will become the allies and the friends of any power which desires to destroy him." Rom., liv. 6, p. 345; also p. 344; Phoc., ent. 2, p. 101, Note, ent. 4, p. 192, ent. 5, pp. 224-226; Gr., liv. 1, p. 57, liv. 2, p. 79.

³⁶⁹ See Note 367. ³⁷⁰ See Note 368.

³⁷¹ *E.g.*, France and Turkey against Austria, Dr. Pub., ch. 5, p. 75.

³⁷² "Although a sane policy forbids a people to injure such enemies and even orders it to prepossess them by its justice, moderation and benevolence, prudence counsels never to trust blindly to the friendship of its natural enemies, so great is the wickedness of men. . . . The momentary services which one can get from a State, or which one can render to it, are no reason for contracting a perpetual alliance with it." Dr. Pub., ch. 3, pp. 224-227.

"The engagements entered into by princes of the second order in peace time who want to extend their dominion are seldom faithfully fulfilled because they contravene the fundamental maxim to have no fixed alliances, to bind themselves in no way, and to preserve their freedom to profit by all circumstances favourable to them. . . . A dominant power must contract these alliances knowing that a hundred, if you like, are useless, but that the hundred and first may perhaps be advantageous to it." Princ. Neg., ch. 7, pp. 86-87.

³⁷³ Dr. Pub., ch. 3, pp. 234-236.

³⁷⁴ "Only count on your ally when you can be useful to him. Even in that case do not place entire confidence in him, for it might happen that he was imprudent and careless enough to neglect his own interests." *Loc. cit.*, p. 244.

³⁷⁵ "The more powerful a country the more must it make its alliance worthy of respect." Dr. Pub., ch. 9, p. 186; see also ch. 3, p. 209 and ch. 15, pp. 198-200.

³⁷⁶ Dr. Pub., ch. 3, pp. 228-230.

³⁷⁷ "Establish a class of magistrates whose sole occupation shall be to preserve peace. They must always be ready to repair the wrongs and injuries that you may have committed through ignorance or hastiness. They must be ordered to prevent all cause of rupture, and to cultivate the friendship of your neighbours. . . . What can you expect from this policy of jealousy and distrust which peoples hold towards one another? It can only hasten the evil which one fears and which otherwise might never have happened." Leg., liv. 2, ch. 2, p. 195.

³⁷⁸ Leg., liv. 2, ch. 3, pp. 185 and 189.

³⁷⁹ "Nothing is more worthy of the prince who knows the price of human blood than to publish in a manifesto the reasons that have decided him to have recourse to arms. It is, as it were, entering into negotiations with all Europe." Princ. Neg., ch. 15, p. 168.

³⁸⁰ *Cit.*, let. 3, p. 90; Rom., liv. 4, p. 232, Note.

³⁸¹ Et. Hist., pt. 1, ch. 5, p. 71.

³⁸² Leg., liv. 2, ch. 3, p. 194.

Cf. Pétion de Villeneuve, May 17th, 1790, speaking in the National Assembly, and the Constitution of 1791.

³⁸³ Dr. Pub., ch. 15, p. 202.

³⁸⁴ "What treaty, however advantageous, can indemnify a victor obliged to languish under his laurels?" Princ. Neg., ch. 16, p. 184.

Peace can be firmly established "when a victorious power has made its superiority felt by its humiliated enemy, and consents to disarm while still in a position to carry on the war. Nevertheless, to predict more certainly the duration of peace, you must examine into the origin of the war, and see what spirit pervaded the negotiations which ended it. Did the victor take arms for a trivial reason which could have been

easily settled? Was he harsh and haughty during peace negotiations? Did he use secret and underhand methods? Be sure that, having become restless on account of his successes, he will only seek pretexts to satisfy his ambition. Every moment then is precious; you must hasten to negotiate and form leagues against him. But if before drawing the sword he tried all means of reconciliation, if his successes have not intoxicated him, if good faith has been the soul of his policy, it is probable that he will not so soon misuse his prosperity. His moderation will temper in his vanquished enemies the desire for vengeance, and he will find allies without difficulty". *Op. cit.*, ch. 13, pp. 146-147.

Cf. the almost unanimous declaration of the National Assembly, May 22nd, 1790, and the Constitution of 1791.

Leg., liv. 3, ch. 3, p. 66.

³⁸⁵ "Just as one should do nothing during the progress of a war which could obstruct the conclusion of peace, so in concluding peace nothing should be done which might be harmful in the next war." *Princ. Neg.*, ch. 16, p. 179; see also *Dr. Pub.*, ch. 1, pp. 97-101.

"Perhaps the great wisdom in peace making is not to extract from one's enemy everything possible, but to conduct oneself with a moderation which makes the victor's advantages forgiven and do not make him odious." *Dr. Pub.*, ch. 3, p. 195; see also ch. 6, p. 215; *Et. Hist.*, pt. 1, ch. 5, p. 72; *Dr. Pub.*, ch. 10, p. 259.

Providence wishes "the victor to become the father and protector of the vanquished". *Cit.*, let. 3, p. 92; see also *Rom.*, liv. 4, p. 212.

³⁸⁶ "When there is a convention and the war appears to be finished, the vanquished is only obliged to fulfil his treaty in so far as the articles of it are not contrary to Nature and the end of society." *Cit.*, let. 3, pp. 91-92.

³⁸⁷ *Dr. Pub.*, ch. 2, pp. 128-129. It is worthy of note that Mably strongly advises the Poles not to claim their lost provinces. *Pol.*, pt. 1, ch. 11, p. 187.

³⁸⁸ *Dr. Pub.*, ch. 11, pp. 81 and 94.

³⁸⁹ *Dr. Pub.*, ch. 11, pp. 78-83.

³⁹⁰ *Dr. Pub.*, ch. 14, p. 95.

³⁹¹ Beau, p. 353.

"Minds were not sufficiently prepared; and I have often said to some of your compatriots that I am too interested in their welfare not to desire for them a war which, by its duration, could correct them of their prejudices and give them all the qualities which ought to belong to a free people." *U.S.A.*, let. 1, p. 113; see also *Pas.*, p. 209; *Mort.*, p. 523; *Gl.*, p. 423.

³⁹² "These large armies which States have a mania for keeping up so that they may be feared, and which, by giving them a ridiculous vanity and a puerile ambition, only serve to embarrass and weaken them, are one of the most grievous diseases in Europe." *Pol.*, pt. 1, ch. 14, p. 203; see also *Doutes*, let. 2, p. 36; *Leg.*, liv. 3, ch. 3, pp. 72 and 74.

³⁹³ "They (mercenaries) bring into civilian life that blind obedience which discipline demands in an army. Accustomed to the use of force, and judging of right by might, they oppress their masters if they can." *Et. Hist.*, pt. 3, ch. 4, p. 32.

Cf. Robespierre, who in opposing the ultimatum sent to Leopold by the Convention on January 25th, 1792, maintained that permanent armies and conquering generals are a great danger to liberty. Do not "armed

bodies " in the long run "lose something of the patriotic fervour of 1789?" Does not discipline, "the habit of passive submission to which an astute policy associates the idea of honour, . . . dispose men to enthusiasm for a successful general, and for him whom the Constitution declares to be their supreme head?"

³⁹⁴ Et. Hist., pt. 3, ch. 4, p. 36.

Cf. the Constitution of 1791.

³⁹⁵ The Swiss "mainly owe the perpetuity of their morals (*moeurs*) and of their equality to the happy institution of not having a single fortified town and no fortress where they have to keep a garrison, that is to say mercenary soldiers who are only soldiers, and who are never so happy as when they can intimidate peaceable citizens, and make them feel their pretended superiority. It follows that the magistrates, not having troops at hand which they can command, become accustomed, in spite of themselves, to ways of conciliation and of justice". U.S.A., let. 3, p. 193; see also p. 191.

³⁹⁶ "With citizens who only enjoy peace while occupying themselves with the means of vanquishing in war, politics rises without difficulty to the most sublime virtues, and finds thenceforward at hand all the resources necessary for dispersing all dangers, or, if destruction is inevitable, for perishing with glory." Pas., p. 194.

³⁹⁷ Cf. the decree of the National Assembly, August 12th, 1790, and Condorcet in the Convention, February 15th and 16th, 1793 *re* Universal Conscription.

"Citizen armies will have a discipline and courage superior to the discipline and courage of your mercenary soldier if the laws take care to make them love their duties. If the functions of the soldier are not distinguished from those of the citizen, if he has to pass through the grades of the army in order to arrive at magisterial office, you may be sure that new principles of education will be established in the state." Leg., liv. 3, ch. 3, p. 75.

³⁹⁸ "Every state in which the citizen will not take the trouble to be a soldier will finally be governed by soldiers, or by those who have the capacity of making themselves masters of the army." Phoc., ent. 4, p. 189, Note.

CHAPTER XIII

³⁹⁹ "There is an art which makes a country happy and flourishing; it is this art which we call politics. Distrust those people who tell you that it is enough to have a right heart and an upright spirit in order to govern well." Et. Hist., pt. 1, ch. 1, p. 13.

⁴⁰⁰ Pas., pp. 179-180.

⁴⁰¹ "Since the corruption of customs has succeeded in dimming the lights of our reason; since ethics has so many enemies to fight against, that is to say all the prejudices which our passions have established, and which have in fact usurped the rights of truth; I permit my philosopher, whom wisdom invites to love all men and be sorry for them, to begin by being slightly contemptuous of them. This receipt is not bad: the opinions, the contagious examples, will weigh less heavily on his mind." Mor., liv. 2, p. 146.

⁴⁰² "Why cannot a legislator, learned in the knowledge of our understanding and of our passions, remove from me that heaviness or that inconstant mobility which are the work of the too lazy organs of the understanding and the passions, or of the organs governing an imagination which cannot fix itself to any one idea, and which has no true passion because it tries them all? . . . It seems to me that in offering to my reason a new interest capable of holding it and of occupying it constantly, one could develop in me new passions and new ideas which will draw me out of the sleep in which I languish, or put without effort a bridle on the impatience of an imagination which leads me from error to error." *Pas.*, pp. 299-300.

⁴⁰³ "In spite of the high idea which I have of the omnipotence of a secretary of state or a controller general, I think he will find that he is only a blunderer when he disposes men as he would the furniture in his drawing-room, and thinks that it is sufficient to assign a place for them in order to arrange them." *Mal. Pol.*, p. 208.

⁴⁰⁴ "Men are always like children on account of the weakness of their reason and the strength of their passions, and consequently, being always prone to go astray, they need to have laws. The legislator is for society what those wise people have been to you, who, presiding over your education, have taught you to regulate the movements of your heart, to contract honest habits and to defend your reason against the attacks of your passions. The practice of certain virtues has been made easy for you by having been made pleasant; and it is in this that the whole art of the legislator consists. He tears us from our vices by inflicting punishments which make them repulsive, contemptible and dangerous. He attaches us to virtue by the rewards with which he honours it. It is by this device that our reason acquires a strength equal to that of the passions, and that the passions themselves encourage us to practise the most difficult virtues." *Et. Hist.*, pt. 1, ch. 2, p. 27.

⁴⁰⁵ *Hist. Fr.*, liv. 1, ch. 6, p. 220; *Et. Hist.*, pt. 1, ch. 2, p. 24.

"The art of disposing people to obey, is, of all the branches of politics, the most useful and the most neglected." *Hist. Fr.*, liv. 2, ch. 4, p. 291.

"I say that the public weal results from the love which magistrates and citizens have for their laws; for with this love, nothing is lacking to make a republic happy and flourishing, and without this affection, it is divided within, and will not be able to defend itself outside against the attacks of its enemies." *Leg.*, liv. 3, ch. 4, p. 85.

⁴⁰⁶ *Leg.*, liv. 3, ch. 4, p. 91.

"Man is born ignorant but not depraved." *Beau.* p. 303.

⁴⁰⁷ *Mor.*, liv. 1, p. 29.

⁴⁰⁸ "People would be less wicked if they were more enlightened." *Sit. Pol.*, p. 63.

⁴⁰⁹ "However wicked a man may be born, he is nevertheless susceptible of reform and discipline." *Mor.*, liv. 1, p. 29; see also *Leg.*, liv. 4, ch. 3, p. 207.

⁴¹⁰ "The reason of the majority of men has gone astray; is blind and corrupt; and it is by caressing, by exalting, the passions, that you must hope to tame them and re-establish the order they have destroyed." *Mor.*, liv. 1, p. 28.

⁴¹¹ "Be sure that politics is imprudent if it demands from a man virtues which are above the powers of humanity." *Pol.*, pt. 1, ch. 5, p. 67.

"I would not like to resemble in any manner those empirical ministers,

who, under pretext of establishing a perfect constitution which is only the work of their disordered imagination, have destroyed everything, and have left behind them only the most intolerable despotism, or the most senseless anarchy." *Mal. Pol.*, p. 204.

⁴¹² "We should like unmixed good, but it would be great folly to hope for it, since society is only composed of men, that is to say of very imperfect material. Let us be content with the species of perfection which Nature has permitted us to attain, and with the means that she has given us to achieve it: the least evil is our greatest good." *Cit.*, let. 4, p. 114; see also let. 5, p. 151.

"In reforming a bad government, you must, perhaps, in order to attain the greatest possible good, not aspire to too great perfection." *Pol.*, pt. 1, ch. 3, p. 39; ch. 14, p. 225.

Hist. Fr., liv. 2, ch. 2, p. 275; ch. 6, p. 329.

"The wisest policy is the one which lends itself to the needs of circumstances in order to extract the best from them." *U.S.A.*, let. 2, p. 144.

⁴¹³ "Nothing is perfect in this world, and it would be to misunderstand men to try to give them laws which are in no way liable to inconvenience. It may be that the vice which displeases you is the gall or bile which sometimes incommodes, but which is necessary to the health of the human body. Do not desire to be wiser than Providence; He has not given us unmixed good, and has ordained that evil shall become a cause of happiness." *Mal. Pol.*, pp. 203-204; see also *Dev. Rais.*, p. 52.

"These conquerors, these ambitious men who desolate the earth or overthrow their republic, riding rough-shod over all the rights of justice, I regard, my dear pupil, not only as so many instruments which Providence uses to punish the peoples who have not wished to use, or rather who have abused, His gifts, but also as so many means of preserving society from this unhappy apathy whither our senses finally lead us, thanks to luxury, idleness and voluptuousness." *Pas.*, pp. 421, 422-424.

⁴¹⁴ *Mal. Pol.*, pp. 191-194.

"If you consider with care the causes which debased the constitutions of the wisest republics, you will notice that they hardly ever owed their decadence to vices which were peculiar to them, but to the remedies which were imprudently applied to them, to arrest a slight evil or to produce a greater good." *Mal. Pol.*, p. 202.

⁴¹⁵ *Et. Hist.*, pt. 3, ch. 3, pp. 1-3, 5, 12.

⁴¹⁶ "Owing to the different effects of climate, an institution good for men in the north, inasmuch as it spurs them on, may be evil in the south, where people's imagination may be too lively already." *Pas.*, p. 382 *et. seq.*

⁴¹⁷ *Pas.*, p. 198.

⁴¹⁸ "Such is the power of habit, that it attaches us in spite of ourselves even to the customs of which we complain." *Hist. Fr.*, liv. 5, ch. 1, p. 2.

Cf. Robespierre's speech on the King's trial in the Convention, December 3rd, 1792: he states that the power of habit makes us look on bad conventions as right and good.

⁴¹⁹ "Let him (the legislator) prepare and conduct the reform which he meditates with the slowness which Nature herself uses for changing the genius, the habits and the character of a nation. Beware lest its progress is ever abrupt or precipitate. Notice that, in virtue of the power

which she has given to force of habit over our minds, a power which contributes so much to our tranquillity, we tend towards a kind of inertia which keeps us the same to-day and to-morrow as we were yesterday. An event, however important it may be, never having changed in a day the character of a people, politics would be mad, if it hoped, with the help of a new code of laws, suddenly to give a new spirit to a nation." Leg., liv. 3, ch. 1, p. 10.

"The legislator can assist reason but he cannot take its place; he must never remain behind, still less must he be too far in advance of it." Robespierre in a letter to his constituents. (No. 8) November, 1792

⁴²⁰ "What we call the love of novelty is in fact only a weariness of a situation with which we have reason to be discontented." Leg., liv. 3, ch. 1, pp. 8-16.

⁴²¹ Leg., liv. 4, ch. 4, p. 239.

⁴²² "It is necessary for a people to be weary of its condition—to be unable to suffer it any longer—for a revolution to produce a durable situation." Pas., p. 446.

⁴²³ Rom., liv. 3, p. 181; Cit., let. 2, pp. 48-49.

⁴²⁴ Pas., p. 200; Dr. Pub., ch. 5, p. 72; Rom., liv. 2, p. 94.

Cf. also Marcus Aurelius.

"If we do not bring men into harmony with the laws, we shall have indulged in a beautiful philosophical dream, and not made a constitution. To enchain man to law, that must be the aim of the legislator." Mirabeau, in the Assembly, December 10th, 1789.

Thouret, speaking in the National Assembly on April 6th, 1790, on the reform of the Judiciary, stated that, though the ideal were attainable, the actual state of morals and character of the people must at present be taken into consideration. Also Chapelier as *rapporteur* of the joint Constitution and Revision Committees, August 29th, 1791; it is wisdom to combine principles with the circumstances in which we find ourselves.

"Ancient traditions, old laws, prejudices and passions form public customs and a sort of routine and pace in every state, which commands a certain measure of respect even from the sovereign himself. It is futile even for the most absolute monarch to say that he can do everything; he feels that he is only a man, and that if he shocks and revolts all his subjects, he will only be able to oppose to them the strength of one man." Et. Hist., pt. 2, ch. 1, p. 140.

⁴²⁵ "Our souls, though mercurial, are as slow and as heavy as our bodies; a journey, whether too long or too quick, tires our physical organs; and if my soul departs too quickly from the thoughts where it usually reposes it will, as it were, retrace its steps, because it will feel ill at ease and in unknown regions." Cit., let. 2, p. 47; see also let. 6, p. 203.

"Try to give to the soul impulses or shocks which will drag it out of its lethargy. Without too rigorously proscribing the old customs, make the citizen fall back upon himself more, so that he may have some interest in changing his conduct." Leg., liv. 3, ch. 1, p. 15.

⁴²⁶ "Character subjugates us and we are for the most part too stupid for enlightenment to make on our minds the impression it ought to make." Et. Pol., p. 177.

⁴²⁷ "It would be madness to propose a law which would be rejected with indignation, and which would render the reformers odious." Pol. pt. 2, ch. 5, p. 34.

Pol., pt. 1, ch. 9, p. 151; Et. Hist., pt. 3, ch. 3, p. 8.

"They shock us by their sudden and brusque changes for which we are not prepared, and which we should have desired and demanded, had they given us time to get used to their ideas." Pol., pt. 1, ch. 10, p. 156.

⁴²⁸ Pol., pt. 1, ch. 2, p. 29; Cit., let. 5, p. 151.

⁴²⁹ " . . . Only the art of persuading establishes confidence, and the blows of authority sometimes arrest a disorder, but never establish a durable order." Pas., p. 318; see also Et. Hist., liv. 3, ch. 3, p. 2.

⁴³⁰ "Politics is nearly always the dupe of a present and attainable advantage; and it is infinitely rare that a state has the wisdom to foresee and to forestall the evils which it does not yet experience." Et. Hist., pt. 1, ch. 8, p. 110.

"All the world knows that a distant interest never strikes the multitude; a general interest only moves it feebly." Gr., liv. 1, p. 29.

⁴³¹ Hist. Fr., liv. 2, ch. 1, p. 240; Hist. Gr., liv. 1, p. 62.

"The legislator ought to say: all my laws lend themselves mutual support, they all tend towards a single object; it is to make you love justice, temperance, glory and country; and I am sure that the result of these virtues will be happiness. If you cease one day to obey religiously any of my ordinances, do not hope to preserve the others; once your soul admits one passion destructive to society, it will not have strength to resist the others." Leg., liv. 3, ch. 3, p. 62; see also Sup., p. 327.

⁴³² "It is foolish to try to legislate against each individual vice in the republic; it would be endless and would uselessly pile up law upon law. A hundred abuses derive from a common cause; let the legislator, then, go back to the source of the evil, and a single law will make a hundred abuses disappear." Leg., liv. 3, ch. 3, p. 78.

"A few laws will suffice; and when you have established a wise constitution it will serve as a basis for all the salutary regulations which your needs will successively demand." Pol., ch. 1, p. 10.

⁴³³ Sup., pp. 327-330; Phoc., ent. 5, p. 214.

⁴³⁴ Phoc., ent. 5, p. 227.

"If you think about it well you will see that there is no passion which does not find its counter-poison in another." Pas., p. 412; see also Or., p. 76.

⁴³⁵ "Study with care which is the passion which presents to you the greatest obstacles. But beware of attacking it directly and openly, you will revolt it and it will triumph over your laws." Leg., liv. 3, ch. 1, pp. 15-16; see also Or., p. 69.

"It is not without motive that Nature has placed in each one of us a store of laziness that our reason must often call to her aid to oppose a dyke to the torrent of the passions. . . . Fear is another excellent ally which our reason must and can use advantageously; it is well suited to make us subject to discipline because it blunts the self-love which continually leads us back to ourselves. By teaching me to love myself only in the manner which is most useful to me, all my passions are obliged to dissimulate and to hide themselves in part. This pretence imitates prudence and generosity, and I find myself bound to my kind by these same passions which are only occupied with my personal interests." Or., pp. 57-59; see also p. 77.

⁴³⁶ "Fear lest you hasten the ruin of the republic, my dear Aristias, by using these passions, if you do not first find the art of inspiring them

with a sort of modesty, and associate them with some virtue which tempers and directs them." Phoc., ent. 5, p. 227.

Or., pp. 52 and 65.

⁴³⁷ Dev. Rais., p. 47; Or., p. 64.

⁴³⁸ "Our passions are full of cunning skill and craft, but only before a legislator who does not let them feel that all this manoeuvring is useless. Our passions are too clever to contemplate for any length of time an aim which it would be impossible to reach; their activity is always proportionate to their hope of success. . . . Time gives strength to laws, and makes them dearer and more respected, since habit has a marvellous power over us." Leg., liv. 3, ch. 3, p. 55.

⁴³⁹ "My friends sometimes jokingly call me a prophet of misfortune; it is true that I know enough about men not easily to hope for good." U.S.A., let. 4, p. 221.

⁴⁴⁰ "Manners and customs (*moeurs*) have stifled the voice of reason, and the only rational hope that ethics can have is to help a few citizens, more happily born than the rest, to save themselves from the general wreck." Mor., liv. 3, p. 222.

⁴⁴¹ "It is imprudent and foolhardy in a country without morals, laws and principles to meddle in the affairs of a people that does not wish to be happy, and is unworthy of being happy." Et. Pol., p. 168; see also Beau, p. 322; Ret. Neck., p. 130.

CHAPTER XIV

⁴⁴² Cit., let. 4, pp. 122-123.

⁴⁴³ "What we are striving after is not the good, but the least evil." Grains, p. 261; see also Doutes, let. 8, p. 216.

⁴⁴⁴ "Every nation has had the lot it deserved; and although every state dies, every state can and must aspire to immortality. . . . No flourishing state has succumbed until it abandoned the institutions which made it flourish; no state has become happy excepting by repairing its faults and correcting its abuses; wealth is nothing, wisdom is everything." Et. Hist., pt. 1, ch. 1, pp. 18 and 21.

⁴⁴⁵ " . . . Laws, even if the work of the most profound wisdom, are in vain; they will never destroy in the human heart a secret venom which always continues to develop itself, and to sap the foundation of public safety. Would one not be tempted to say that Nature, which sees to the conservation of the human race, and nevertheless hands individuals over to death, has condemned societies to the same destiny so that they must succeed one another?" Pas., p. 391; see also pp. 392-400.

⁴⁴⁶ U.S.A., let. 1, p. 113.

"I could add here, Monseigneur, a thousand other arguments to prove to you that you can only bring about a really advantageous reform inasmuch as you give to the nation the faculty of making its own laws." Et. Hist., pt. 3, ch. 4, p. 26.

"The moment a people has reserved to itself the legislative power, you may be sure that it will soon have the wisest and most salutary laws. A republican, proud enough of his dignity to wish to obey only the laws, has of necessity an upright, just, exalted and courageous soul." Cit., let. 4, p. 118; see also let. 6, p. 182; Pas., p. 414.

⁴⁴⁷ "A class of citizens who are excluded from the administration will necessarily be sacrificed to the classes which take part in the government." Doutes, let. 8, p. 217.

⁴⁴⁸ "It is not true that the form of government which would be the best in one country should be the worst in another." Et. Hist., pt. 1, p. 99 *et. seq.*

⁴⁴⁹ "To ask which is the best government, monarchy, aristocracy, or democracy, is to ask which greater or lesser ill is produced by the passions of a prince, of a senate or of the multitude. To ask whether a mixed government is better than any other is to ask whether the passions are as wise, as just, as moderate as laws." Phoc., ent. 2, p. 78 note.

⁴⁵⁰ Pas., pp. 229-256.

⁴⁵¹ "I have no fear that I am mistaken in saying that democracy requires great morality, and I add that, however wise and well balanced its constitutional laws may be, it can only exist in a republic like those in ancient Greece, where all the citizens knew one another, acted as mutual censors, and were continually under the eyes and hands of the magistrates." U.S.A., let. 2, p. 124; see also p. 123.

⁴⁵² "It presents citizens who are ready to devote themselves to the public good, it gives to the soul the springs which produce heroism, but, for lack of rules and enlightenment, these springs are only put into action by prejudices and passions." Et. Hist., pt. 1, ch. 7, pp. 97-98.

"I do not like democracy; I know to what intoxication and errors the people are subject." Doutes, let. 7, p. 180.

⁴⁵³ Gr., liv. 1, p. 63; see also Rom., liv. 1, p. 24; U.S.A., let. 1, p. 111.

"There exists in our modern states a crowd of men who are impecunious, and who, living only by their work, do not in a sense belong to any society." Cit., let. 3, p. 59. Phoc., ent. 3, pp. 126-127 note.

⁴⁵⁴ U.S.A., let. 1, p. 110.

⁴⁵⁵ "You must have something to live on, and not fast too long, in order to have a taste for politics and philosophy. . . . These men are so little constituted to hear reason when subsistence is lacking, or when it gets too high in price for their means, that they always blame the government, which sometimes is not guilty, and they then violate all the laws of subordination and of property." Grains, p. 252.

⁴⁵⁶ Phoc., ent. 3, p. 127 note; p. 130; U.S.A., let. 2, p. 146.

⁴⁵⁷ Grains, liv. 3, p. 144.

⁴⁵⁸ Rom., liv. 1, p. 23.

"Macchiavelli has proved in his political *Discourses on Livy* that liberty cannot long subsist in a republic where there are nobles. The nobility believes itself destined to govern; they are a vermin, he says, which imperceptibly rots the fabric of liberty." *Loc. cit.*, p. 41, note.

⁴⁵⁹ "The liberty which each citizen has to propose new laws . . . will be the best way of soon possessing none; one would destroy to-day what was done yesterday, and to-morrow one would have yet another jurisprudence." Et. Hist., pt. 2, ch. 3, p. 190.

⁴⁶⁰ Pol., pt. 2, ch. 4, p. 25, and U.S.A., let. 2, p. 144.

⁴⁶¹ U.S.A., *Loc. cit.*

⁴⁶² "Aristocracy, which confers sovereign power upon privileged

families, conducts itself with more order, sequence and method than the government about which I have just spoken (despotism), unless the state is divided by two factions which seek to destroy one another in order to dominate. Its subjects will rely more upon the stability of the laws than the subjects of a despot. Its allies are more attached to it because its alliances will be less uncertain. Nevertheless, the republic will not be more flourishing, unless the patrician families, by a sort of miracle, manage to temper the natural rigour of their yoke, and induce their subjects to believe that they have a country. One has never seen an aristocracy go to the excesses of violence and barbarity which have dishonoured certain princes; but have men the need for a Caligula or a Nero in order to be unhappy? It is always more distrustful, more jealous, more suspicious, more timid than the government by one man, and consequently more unjust. Will patricians, who are not separated by a wide gulf from their subjects, patiently suffer plebeians, who are made for obedience, to dare to have virtues, talents, standing and respect? If the particular institutions of this government authorize the patricians to have talents, and give an outlet for their genius, the passions will be freer; and the state, continually vexed by cabals, intrigues, and factions of the nobility, will be in a turmoil until the oligarchy or the tyranny of several gives place to the tyranny of one man. If aristocracy has taken effective measures to prevent the ascendancy which a patrician family by its services, its riches and its merit, could take over the others, the state would only avoid the disorders of a domestic revolution to fall into langour and so prepare an easier conquest for its enemies. One can only preserve the equality necessary to an aristocracy by so hampering the nobles that they can neither have nor show superior talents with impunity. The hidden and crooked paths of intrigue will alone find favour." *Et. Hist.*, pt. 1, ch. 7, pp. 95-96.

⁴⁶³ *Cit.*, let. 6, p. 150.

⁴⁶⁴ "With whatever zeal for the public good I credit you, however determined you may be to sacrifice to it the interests of your passions, however small your state may be, if you wish to be the unique and sole legislator be sure that you are deluding yourself; be sure that you will succumb beneath the weight of the burden with which you have loaded yourself." *Et. Hist.*, pt. 3, ch. 5, p. 47; see also pt. 2, ch. 1, p. 138.

In his attack on the Physiocrats, who set up the Chinese despotism as a model of good government, he writes: "However marvellous the Emperor of China may be, it is no more possible for him than for the General Council of a Republic to exercise alone the executive power; he cannot see everything, do everything, and be present everywhere." *Doutes*, let. 6, p. 141; see also *Et. Hist.*, pt. 2, ch. 1, p. 140; also p. 144.

⁴⁶⁵ "These tyrants, these ambitious men, whose prosperity is the admiration of the multitude groan in secret under the weight of the administration which their crazy cowardice does not let them renounce." *Phoc.*, ent. 2, p. 89.

⁴⁶⁶ *Hist. Fr.*, liv. 2, ch. 2, p. 245.

⁴⁶⁷ "In states where a despot possesses all the public power, the enslaved subjects have neither a country nor a love for the public well-being." *Et. Hist.*, pt. 2, ch. 2, pp. 90-94.

They come to regard their "stupidity as the foundation and the guarantee of their repose and of the public safety; they would consider themselves unfortunate if they were permitted to move. If by chance they were given the opportunity of breathing for a moment in their

misery, they would believe that they had received a favour, and, carried away by the liveliness of their gratitude, they would not fail to load themselves with new chains". Et. Hist., pt. 2, ch. 1, p. 147.

⁴⁶⁸ Cit., let. 2, p. 35; Et. Hist., pt. 2, ch. 1, p. 117.

⁴⁶⁹ Et. Hist., pt. 2, ch. 1, p. 138; pt. 3, ch. 3, pp. 15 and 17; Doutes, let. 3, p. 93.

⁴⁷⁰ Rom., liv. 3, p. 181.

⁴⁷¹ Rom., liv. 1, p. 21; see also p. 19; also liv. 2, p. 92.

⁴⁷² Rom., liv. 3, p. 166. A people that has received authority at the hands of its monarch, "led by love, confidence, esteem, respect and veneration, will throw itself at his feet". Leg., liv. 3, ch. 2, p. 42; see also Hist. Fr., liv. 8, ch. 5, p. 99.

⁴⁷³ "It would be difficult to explain what is this right of the sovereign by virtue of which the citizen can be despoiled of the possessions, liberties and privileges which legitimately belong to him." Dr. Pub., ch. 14, p. 66; see also Cit., let. 5, p. 145.

⁴⁷⁴ "A hereditary magistrate becomes, in a sense, the enemy of his nation. However mediocre the power bestowed on him, you must expect that it will soon be too extended." Et. Hist., pt. 2, ch. 4, p. 215.

"Every government where the magistratures are hereditary, or even only for life, is diametrically opposed to the end which society must set itself." Cit., let. 2, p. 30.

⁴⁷⁵ Doutes, let. 3, p. 65.

"Some princes have had talents, but none has known his duties, and has been worthy of his fortune; and if you can cite me some exception, it is not on three or four exceptions that you would wish to establish a system of general happiness for society." Cit., let. 2, p. 35.

"No prince has ever deserved the praises showered on him by his courtiers. It is a truth, it is an axiom which admits of no exception, and which you must religiously repeat to yourself every day of your life." Et. Hist., pt. 1, ch. 1, p. 10.

"Wisdom is seldom seated on the throne." Pol., pt. 2, ch. 2, p. 8.

⁴⁷⁶ Cit., let. 8, p. 261; see also Phoc., ent. 3, p. 119 note. Compare Marat in the Convention, September 25th, 1792: he demanded the nomination of a dictator, and asserted that he should have been appointed immediately after the fall of the Bastille.

⁴⁷⁷ Cit., let. 7, p. 251.

In general, "a monarchic government is necessary for a people which is too corrupted by avarice, luxury and a taste for pleasures to love its country". Rom., liv. 1, p. 17.

⁴⁷⁸ "If the French and the English had not a privileged house occupying the first place in society, you may be sure that the state, torn by divisions, hatred, ambition, rivalry, intrigues and factions of some of the great families, would soon have a despot; we should inevitably experience the lot of the Roman Republic." Cit., let. 5, p. 252.

"Do not fear heredity since after the longest reign a prince, whose proceedings are easily watched, whose opinions can be penetrated and whose projects can easily be checked, will not leave to his successor a greater authority than that which he himself received." Et. Hist., pt. 2, pp. 277-279.

"In the actual state of affairs I dare suggest, then, that far from conferring royalty on your first magistrate only for a few years, it would

be well for Poland, on the contrary, to make her crown hereditary." Pol., pt. 1, ch. 5, pp. 58-59.

"You must declare in the strongest and most solemn terms that the person of the King is inviolable and sacred. If it is permitted to demand from him a justification for his conduct, to judge and to punish him, is it not certain that you will retain in your new government the greater part of the vices of the old one?" *Loc. cit.*, ch. 8, p. 112.

Cf. the Constitution of 1791, ch. 2, sec. 1, art. 2.

⁴⁷⁹ Hist. Fr., liv. 4, ch. 5, p. 148.

Cf. Thouret as *rapporteur* of the Constitution Committee, March 22nd, 1791; the king exists for the benefit of the people.

^{479a} Et. Hist., pt. 1, ch. 3, p. 43 and ch. 1, p. 12; Dr. Pub., ch. 1, p. 102.

⁴⁸⁰ See *Esprit des Loix*, liv. 26, ch. 16 and ch. 23.

Dr. Pub., ch. 8, pp. 82-83.

Cf. Mounier as *rapporteur* of the Constitution Committee, August 28th, 1789; also the declaration of the Assembly, October 10th, 1789.

⁴⁸¹ Pol., pt. 2, ch. 5, p. 35.

"Only heredity can remedy so many abuses; it alone can give a measure of stability to your government, force to the laws, and teach the Poles that, if they love the public weal, their liberty must not degenerate into licence. Hereditary royalty will produce this effect provided that the King, restricted to represent the majesty of the State, like a King of Sweden or a Doge of Venice, while receiving respectful homage, should only have the shadow of authority; provided that he is no longer able to corrupt his subjects by favours and gain *protégés* at the expense of the Republic; provided that a Senate, very different from that which you actually have, guides him, conducts him and prevents him from straying; in a word, provided that, despoiled of an authority which he must needs abuse, he only fills a place to which everybody aspires, and which can be neither vacant nor filled without exciting great storms in a country where all the great nobles, who cannot do without a king, hate him if he is capable of governing them, and despise and plot against him if his weakness allows them to hope for, and attempt, a revolution." Pol., pt. 1, ch. 5, p. 60.

⁴⁸² Pol., pt. 1, ch. 8, p. 114.

Cf. the Constitution of 1791, ch. 2, sec. 4, arts. 2 and 4.

⁴⁸³ Pol., pt. 1, ch. 5, pp. 63 and 70; ch. 7, p. 106.

⁴⁸⁴ "Be convinced that a king who is too rich will find a thousand means of eluding the force of the law." *Loc. cit.*, ch. 5, p. 67; see also pt. 2, ch. 5, p. 43 and 45.

"It is not poverty but riches which politics should fear in a king; and if he is compelled to be economical, be assured that he will not be ambitious, and that his court will not be a school of bad morals." *Loc. cit.*, p. 57.

⁴⁸⁵ Pol., pt. 1, ch. 5, pp. 71-72.

Cf. the Constitution of 1791, ch. 2, sec. 1, "Royalty and the King", arts. 9 and 10.

⁴⁸⁶ See the Constitution of 1791, *loc. cit.*

⁴⁸⁷ Pol., pt. 1, ch. 5, pp. 73-74.

⁴⁸⁸ Pol., pt. 2, ch. 5, pp. 59-60.

⁴⁸⁹ *Loc. cit.*, p. 46; see also *re* Sweden Et. Hist., pt. 2, ch. 6, p. 280.

⁴⁹⁰ See *e.g.*, Phoc., ent. 2, pp. 77-79.

⁴⁹¹ Gr., liv. 1, p. 20; Et. Hist., pt. 1, ch. 4, p. 56; Doutes, let. 9, p. 232.

⁴⁹² Doutes, let. 9, p. 224.

⁴⁹³ Rom., liv. 1, pp. 33-34; liv. 5, p. 241.

⁴⁹⁴ Et. Hist., pt. 2, ch. 5; pt. 3, ch. 1, pp. 300-301; Doutes, let. 10, p. 245; Cit., let. 2, pp. 33 *et. seq.*, and 52; let. 7, p. 222; Leg., liv. 2, ch. 4, p. 237; liv. 3, ch. 1, p. 20 and ch. 2, p. 45.

⁴⁹⁵ See Note 571; Doutes, let. 3, p. 79.

⁴⁹⁶ Cf. his admiration of the English Constitution in spite of his usual condemnation of it. Doutes, let. 10, p. 245.

⁴⁹⁷ See Section g on Justice (p. 161).

⁴⁹⁸ Cf. the Constitution of 1791, "Rights of Man", art. 3.

⁴⁹⁹ Cit., let. 7, p. 223; Et. Hist., pt. 1, ch. 4, p. 57; Pol., pt. 1, ch. 8, p. 132; Doutes, let. 4, p. 74.

Cf. the decree of the National Assembly, November 7th, 1789; also the Constitution of 1791, "Rights of Man", art. 16.

⁵⁰⁰ Cf. Robespierre's speech on the Constitution, May 10th, 1793, in the Convention.

⁵⁰¹ Doutes, let. 7, p. 196.

⁵⁰² "The Senators (the executive) ought not to have any share in the legislative power. You can understand that if it is permitted to them to mix in the Diet (the legislature), with the representatives, their experience in affairs, and the authority with which they must remain vested after the Legislative Assembly has separated, will easily make them controllers of the majority; thus you would soon only have laws favourable to the ambition of the Senate, and contrary to the liberty of the Nation. If I restrict this body to being the minister and the organ of the laws, I give over to it the whole of the executive power. Nothing should hamper the Senate, neither suspend the execution of its decrees." Pol., pt. 1, ch. 8, p. 117.

⁵⁰³ "Every legislator must start from the principle that the executive power has been, is, and will eternally be, the enemy of the legislative power." *Loc. cit.*, ch. 4, p. 53.

⁵⁰⁴ "It is essential in order that the nation should place confidence in the Senate (*i.e.*, in the executive) that it should itself choose the people who compose it. . . . I believe it would be easy to prove that a republic cannot be wisely administered unless the legislative power itself nominates the ministers which it charges with the execution of the laws, and reserves the right to make them give an account of their conduct, and to judge them." *Loc. cit.*, ch. 8, pp. 115-116; see also U.S.A., let. 2, p. 134.

Cf. Condorcet's Project for a Constitution read in the Convention on February 15th and 16th, 1793, arts. 21 *et. seq.*

⁵⁰⁵ U.S.A., let. 2, p. 134.

⁵⁰⁶ Pol., pt. 1, ch. 8, p. 133.

⁵⁰⁷ "Never allow the magistrates to fill vacancies in the magistrature on the pretext of avoiding popular cabals, and of doing better things. You would open the door to a great abuse in order to prevent a small one. The magistrates would not fail to favour their relatives and friends.

Instead of thinking about the general welfare, they would be concerned with the particular welfare of their magistratures." Leg., liv. 2, ch. 4, p. 221.

⁵⁰⁸ Cit., let. 2, p. 33.

⁵⁰⁹ Cit., let. 2, p. 35; Doutes, let. 6, p. 146; Et. Hist., pt. 1 ch. 4, p. 52.

⁵¹⁰ "In every state where the magistrates are not answerable for their conduct to the legislative power, one has seen the most crushing tyranny gradually arise." Doutes, let. 6, pp. 145-146.

Cf. the Constitution of 1791, ch. 2, sec. 1. "Royalty and King," arts. 3, 4 and 5. Also the King's trial, December, 1792; also Robespierre's speech in the Convention, May 10th, 1793.

⁵¹¹ "When the law appears to be silent or when its meaning is equivocal, the Senate has the right to make provisional rules which will only have the force of law until the next Diet, which will reject or adopt them at its pleasure." Pol., pt. 1, ch. 8, p. 118; see also Hist. Fr., liv. 2, ch. 3, p. 281.

⁵¹² "It is only in the case of a sudden invasion, or when the kingdom is menaced by one of its neighbours, that the King, as the result of a counsel held with his councillors on foreign affairs, and a definite number of general officers, may set his troops in motion, repulse the enemy or prepare to stop them; even then he must be forced to convoke an extraordinary assembly of representatives." Cit., let. 7, p. 240.

⁵¹³ Et. Hist., pt. 1, ch. 4, pp. 52 *et. seq.*

⁵¹⁴ Cf. art. 4 declared by the National Assembly, August 7th, 1789, and the Constitution of 1791, "Rights of Man".

⁵¹⁵ Doutes, let. 7, p. 194.

⁵¹⁶ Leg., liv. 3, ch. 2, p. 51.

⁵¹⁷ "Deputies who naturally must desire the esteem of their constituents, and who are liable to be disavowed by them, attain without effort a certain circumspection and restraint which the Athenians, for example, could not have in their public place. They are subjected to established rules; if they violate them their actions are void, and the cries of the nation warn them that they have betrayed their duty." *Loc. cit.*; see also ch. 3, p. 57.

Cf. art. 3 declared by the National Assembly, August 7th, 1789, and the Constitution of 1791, "Rights of Man". Also Titre 3, art 2: "The nation, from whom alone all powers emanate, can only exercise them by delegation. . . ."

See also Sieyès in the Constituent Assembly, November 5th, 1789, and in the Convention, 2nd Thermidor, Year 3.

⁵¹⁸ Leg., liv. 3, ch. 3, p. 49.

Cf. Thouret as *rapporteur* of the Constitution Committee, September 29th, 1789, on the subject of the establishment of representative government and local administration.

⁵¹⁹ Cf. the decree of the National Assembly, November 18th, 1789, and the Constitution of 1791.

⁵²⁰ Leg., liv. 2, ch. 4, p. 222; U.S.A., let. 2, pp. 119-120; Pol., pt. 1, ch. 3, p. 48.

In many places voting for the Convention was public in 1792. It was made universally public by the Constitution of 1793.

⁵²¹ U.S.A., let. 4, p. 228.

"Nothing is more scandalous than those sudden fortunes which bring citizens from the most obscure occupations to the most exalted and important posts. If the law does not trace the road by which one reaches high position, if it does not demand rigorous tests, you will see that men who have had neither the time nor the opportunities to merit the esteem and confidence of the public will take possession of the government." Leg., liv. 3, ch. 3, p. 208.

Cf. the debate in the Assembly, December 10th, 1789; Mirabeau speaks of a "political ladder"; candidates for high office should have passed through the lower ranks; merit and virtue should be titles to office. He proposes that after 1797 nobody should be eligible for the National Assembly unless he has been elected at least twice to a local administrative assembly, or has held office in the judicature for at least three years.

⁵²² "To come back to Massachusetts, I see with pleasure that the government holds itself aloof from all those who possess nothing but the strength of their arms, and can only disturb the political administration if they are granted any authority. It is perhaps for this same reason that the republics of antiquity, who so well knew the duties of humanity among citizens, violated its rights by admitting slaves who were nothing in the State, and who were entirely under the authority of their masters. You have acted with more wisdom in putting the poor under the protection of the law; and one day, by work and economy, they may hope to be raised to the dignity of contributing to the choice of senators, of representatives and even of the governor." U.S.A., let. 2, pp. 146-147; see also p. 122; Gr., liv. 1, p. 65.

Cf. Mounier speaking for the Constitution Committee in the National Assembly, August 28th, 1789.

⁵²³ Pol., pt. 1, ch. 13, p. 209; Leg., liv. 3, ch. 3, p. 75; U.S.A., let. 2, pp. 121 and 130.

⁵²⁴ Pol., pt. 1, ch. 2, pp. 22-23.

Cf. Thouret as *rapporteur* of the Constitution Committee in the National Assembly, September 29th, 1789; also the decree on Barnave's motion, May 19th, 1791.

⁵²⁵ Pol., pt. 1, ch. 2, p. 24.

⁵²⁶ "I should like to know why these laws which we call fundamental should have the privilege of immunity from being annulled. They are the work of the legislator; why then should they not always be subject to him? Is it not in the nature of the legislative power not to be able to prescribe limits for itself? It would be ridiculous to think that new laws can never be contrary to the old ones, for quite new circumstances will demand laws the spirit of which will be entirely different. Moreover the old laws can be vicious; they may have been passed by an ignorant and unjust legislator." Et. Hist., pt. 3, ch. 4, p. 25. See also U.S.A., let. 2, pp. 127-128; Cit., let. 1, p. 14 and let. 3, p. 85; U.S.A., let. 2, p. 128; Et. Hist., *loc. cit.*, p. 24.

"Every political association has the inalienable right to establish, modify or change its constitution, that is to say, the form of its government, the distribution and the limits of the different powers which compose it." Articles declared by the National Assembly, August 17th, 1789 (Art. 3).

See also Chapelier, *rapporteur* of the combined Constitution and Revision Committees, August 29th, 1791; also Condorcet in the Convention, February 15th and 16th, 1793.

⁵²⁷ See the debate in the National Assembly headed by Chapelier, *rapporteur* of the combined Constitution and Revision Committees, August 29th, 1791.

⁵²⁸ Cit., let. 8, pp. 261 and 263; Pol., pt. 1, ch. 13, p. 218, and pt. 2, ch. 5, p. 49; Dr. Pub., ch. 15, p. 288.

⁵²⁹ Pol., pt. 1, ch. 9, p. 149.

⁵³⁰ Pol., pt. 1, ch. 2, pp. 17-20.

See the Constitution of 1791 and also the numerous committees set up by the States General soon after it first met in 1789, and which continued to exist.

⁵³¹ Pol., *loc. cit.*; Cit., let. 6, p. 204.

On September 8th, 1789 the National Assembly declared its permanence. See also the Constitution of 1791, Titre 3, ch. 1, arts. 1, 2 and 4.

Cf. Mounier, speaking for the Constitution Committee in the National Assembly, August 28th, 1789.

⁵³² Pol., *loc. cit.*; Cit., *loc. cit.*

Cf. Robespierre and Pétion in the National Assembly, June 25th, 1790.

See also the Constitution of 1791, Titre 3, ch. 1, sec. 5, arts. 7 and 8.

⁵³³ Cit., *loc. cit.*; Hist. Fr., liv. 2, p. 285.

⁵³⁴ U.S.A., let. 2, p. 132; Pol., pt. 1, ch. 11, p. 171.

Cf. Thouret as *rapporteur* of the Constitution Committee, May 16th, 1791; also the Constitution of 1791.

⁵³⁵ Leg., liv. 3, ch. 3, p. 59.

⁵³⁶ Cit., let. 7, pp. 227-228; Et. Hist., pt. 1, ch. 4, p. 60; Pol., pt. 1, ch. 10, pp. 165-166.

⁵³⁷ Leg., liv. 3, ch. 3, pp. 60-62.

⁵³⁸ Leg., *loc. cit.*, pp. 57-58; Pol., pt. 1, ch. 2, pp. 26-27.

Cf. the Constitution of 1848.

⁵³⁹ Cit., let. 7, p. 228.

⁵⁴⁰ Leg., liv. 3, ch. 3, p. 58.

⁵⁴¹ Et. Hist., pt. 2, ch. 3, p. 193.

⁵⁴² If the Legislative Assembly meets too seldom, "the magistrates, dazzled by their power, will believe that they are no longer under scrutiny. They will give themselves over to their ambition, they will form cabals, their intrigues will sow corruption." . . . Et. Hist., pt. 1, ch. 4, p. 59; see also Cit., p. 226.

⁵⁴³ U.S.A., let. 4, p. 237.

⁵⁴⁴ Et. Hist., pt. 1, ch. 4, p. 9; Hist. Fr., liv. 5, ch. 2, p. 40, and liv. 6, ch. 1, p. 138.

⁵⁴⁵ U.S.A., let. 2, p. 129.

⁵⁴⁶ Doutes, let. 8, pp. 209-210 and 216; Pol., pt. 1, p. 13; Dr. Pub., ch. 14, p. 53.

⁵⁴⁷ U.S.A., let. 2, p. 141 *et. seq.*

⁵⁴⁸ Cit., p. 226.

Cf. Robespierre's speech in the National Assembly, May 25th, 1790: he does not consider the Court of Cassation a judicial court, for its func-

tion is to see whether the laws and the Constitution have been adhered to by the courts ; it should in consequence exist in the Legislature itself, following the Roman maxim that the Legislature must itself watch over the fulfilment of its laws.

⁵⁴⁹ " If the Senate (*i.e.*, the Polish executive) as a body deals with all business, it will examine it with less care. It will be more concerned with its authority and with its ambition than with its duties ; for it is natural that a large assembly should regard itself as the whole body of the nation and should more easily flatter itself on its immunity than a council composed only of six or seven. I have always noticed that in those republics where the magistrates have not been separated into different classes, and charged with watching over the various needs of the society separately, they have always ended by forming a sort of conspiracy against the legislative power. They have profited by the abuses and disorders which they have prompted in order to make it odious and contemptible, and they have built up their power on its ruins. Do not let it surprise you that the executive power has a prodigious advantage over the legislative power. The former is always present, always active ; it is surrounded by the trappings of dignity which inspire respect and fear, the latter in a sense disappears and is forgotten when the assemblies of the nation separate. The legislators are then indistinguishable from the ordinary citizens, whilst the magistrates seem in a way to be their masters. The different councils or committees which I suggest will balance one another reciprocally and maintain themselves in equilibrium. Pending the censure of the Diet (*i.e.*, the Polish Legislature) the magistrates will fear that of their colleagues." Pol., pt. 1, ch. 8, pp. 141-142 ; see also Leg., liv. 2, ch. 3, p. 206 ; Et. Hist., pt. 3, ch. 3, p. 9 ; Cit., let. 7, p. 299 ; Hist. Fr., liv. 2, p. 280 : Cit., *loc. cit.*, p. 231.

⁵⁵⁰ " The executive power should be divided into as many different branches as the society has different needs. This division of power among the magistrates must never be made with so little art that one becomes an obstacle to the workings of the other. Nothing is more dangerous in a state than magistrates with ill-defined and conflicting pretensions, or who do not know either the extent or the limits of their authority and of their duty. Another evil, which is perhaps not less great, is to have useless magistrates in a republic. It is because they have nothing to do that they wish to meddle in everything ; their restlessness only serves to embarrass and hamper the activities of the government." Et. Hist., pt. 1, ch. 4, pp. 61-62.

" If you unite under the same magistrature functions which ought to be separated, you must expect them to be neglected. . . . If you separate under different magistratures functions which should be united in the same hands, the magistrates would hinder one another in their administration, and would no longer maintain the authority which they ought to have over the citizens." Phoc., ent. 3, pp. 117-118, note.

Cf. Desmeuniers as *rapporteur* of the Constitution Committee, March 7th, 1791 ; also Robespierre in the Convention, May 10th, 1793.

⁵⁵¹ Pol., pt. 1, ch. 8, pp. 119 and 134 ; ch. 9, p. 146.

⁵⁵² Et. Hist., pt. 2, ch. 6, pp. 262 and 268, *i.e.*, the Constitution operating between 1718 and 1772.

⁵⁵³ " In order to prevent the magistrate from growing slack in the exercise of the functions of his magistrature, it must be short and fleeting. If it is for life, he will exercise it negligently ; he will look upon it as a personal possession and will work rather to increase its rights and

prerogatives than to achieve public happiness. . . . Permanent magistrates will never inspire certain confidence. I should publish from the house-tops that you must fear the pride, negligence, ambition and avarice of sixteen life senators, who will perhaps one day, by irritating the nation against themselves, subjugate it or compel it out of despair to commit the folly of Denmark, which created for itself an absolute king in order to deliver itself from the tyranny of its senate." Phoc., ent. 3, p. 118, note.

Referring to Sweden: Cit., let. 5, p. 138; see also Et. Hist., pt. 1, ch. 4, p. 60; pt. 2, ch. 4, p. 205, and ch. 6, p. 281; Leg., liv. 2, ch. 3, p. 207; Pol., pt. 1, ch. 8, pp. 120 and 125.

"Permanent magistrates do not feel the need for hastening to do great things; and those who aspire to possess their dignity have not the patience to await their death. They intrigue to secure a place in the Senate, and it is natural that the Senators should defend themselves by intrigues." Leg., liv. 2, ch. 3, p. 213; see also Pol., pt. 1, ch. 8, p. 129; U.S.A., let. 2, p. 183.

Cf. d'André in the National Assembly, May 3rd, 1790; also Roederer; also Robespierre in the Convention, May 10th, 1793.

⁵⁵⁴ U.S.A., let. 4, p. 229.

⁵⁵⁵ Leg., liv. 2, ch. 3, p. 209.

⁵⁵⁶ *Loc. cit.*; see also Et. Hist., pt. 1, ch. 4, p. 61.

⁵⁵⁷ U.S.A., let. 2, pp. 136-137; Pol. pt. 1, ch. 11, p. 182.

⁵⁵⁸ "It is the bad administration of finance which at all epochs and among all peoples has caused more disturbances and more revolutions than all the other abuses of government." Hist. Fr., liv. 5, ch. 1, p. 17; see also Dr. Pub., ch. 15, p. 273.

⁵⁵⁹ "England made a great mistake in handing over to her King the administration of her finances; they tempted his cupidity and that of his ministers and made unfaithful intendants. If all handling of money corrupts men, let us at least have the prudence not to confide it to those who in our interests should have the cleanest hands, and who by their dignity and power have the greatest influence in the State, and can promise themselves impunity." Pol., pt. 1, ch. 5, p. 73; see also Cit., let. 2, p. 51; Et. Hist., pt. 3, ch. 4, p. 36.

⁵⁶⁰ Cit., let. 7, p. 237.

Cf. Montesquiou, as rapporteur of the Finance Committee, March 12th, 1790:

"In matters of finance the legislative body has exclusive management; it is this body which must determine taxation, fix expenses, etc. Legislation in finance is indistinguishable from the administration of the public treasury."

See also the debates in the National Assembly between the 2nd and the 15th July, 1791, and the abolition of the *Chambre des Comptes*.

See also Robespierre on the Constitution of 1793, speaking in the Convention, May 10th, 1793. Also the Constitution of 1791, "Rights of Man", art. 14, and the Constitution of 1795.

⁵⁶¹ Cit., let. 7, pp. 237-239; Leg., liv. 3, ch. 3, pp. 69-71.

Cf. Thouret as *rapporteur* of the Constitution Committee, September 29th, 1789, and the Constitution of 1792.

⁵⁶² Cit., *loc. cit.*

⁵⁶³ Pol., pt. 1, ch. 14, p. 232.

⁵⁶⁴ *Loc. cit.*, p. 229.

⁵⁶⁵ *Loc. cit.*, pp. 230-231; *Leg.*, liv. 3, ch. 3, p. 70.

⁵⁶⁶ *Leg.*, *loc. cit.*, p. 71.

⁵⁶⁷ *Pol.*, pt. 1, ch. 14, pp. 233 *et. seq.*

⁵⁶⁸ *Loc. cit.*, p. 227; Doutes, let. 2, p. 35; *Leg.*, liv. 2, ch. 1, pp. 125-126.

"I should say that even the smallest salaries are a great vice, or at least the germ of great vice. A paid magistrate will little by little accustom himself to weigh his services in the scales of his cupidity, and he will soon assess them at more than his salary. He will become negligent and in order to restore to him a certain activity you will have to increase his emoluments or he will know how to increase them by helping himself." *Leg.*, *loc. cit.*, p. 128.

⁵⁶⁹ "I should wish, on the contrary, that in proportion as the dignities increase in importance they (the magistrates) should be granted decreasing salaries; I should prefer them even to have none." *U.S.A.*, let. 3, pp. 157-158.

⁵⁷⁰ *Dr. Pub.*, ch. 15, p. 273.

⁵⁷¹ "Is not the magistrature itself a part of the executive power? Were not the magistrates established in order to see that the laws, both civil and criminal, which the citizens might violate, were executed? Are they not the instruments used by the legislative power for keeping the laws alive?" Doutes, let. 3, p. 79; see Note 56.

Cf. the debate in the National Assembly, May 5th and 7th, 1790, where Cazalès, Maury, Irland de Bazoges and many others speak of the Judiciary as being part of the Executive.

⁵⁷² *Pol.*, pt. 1, ch. 11; *Cit.*, let. 7, pp. 229-233.

⁵⁷³ Cf. the Constitution of 1791, where judges are ordered to be elected by the people.

See the decree of the National Assembly, May 5th, 1790, and the speech by Barnave.

⁵⁷⁴ *Cit.*, let. 11, p. 231.

⁵⁷⁵ Cf. Barnave's speech in the National Assembly, June 9th, 1790:

"Nothing is more contradictory to the principles of a good constitution, than to give to a separate body the faculty of regenerating itself." Robespierre, Chapelier and others are in accordance with this view.

⁵⁷⁶ *Cit.*, let. 6, p. 196.

⁵⁷⁷ *Cit.*, let. 7, p. 231; *Pol.*, pt. 1, ch. 11, p. 174.

⁵⁷⁸ "If the magistrature were no longer a fleeting function, there would soon be Poles who would no longer think of themselves as soldiers; there would result a separation between civil and military functions, a separation which of necessity degrades all political talents, and scarcely ever produces anything but mediocre people. If laws are simple and clear, you do not need much study to make a good judge. . . ." *Pol.*, pt. 1, ch. 11, p. 183.

⁵⁷⁹ *Pol.*, pt. 1, ch. 12.

⁵⁸⁰ *Cit.*, let. 7, pp. 234-236.

⁵⁸¹ *Gl.*, p. 445.

⁵⁸² *Cit.*, let. 7, p. 240.

Cf. the debates in the National Assembly from May 15th to May 22nd,

1790 : speeches by Pétion de Villeneuve, Alexandre Lameth, Robespierre, Barnave, Mirabeau, Goupil de Préfeln and many others, and the almost unanimous declaration by the Assembly, May 22nd, 1790.

⁵⁸³ Cit., let. 7, pp. 245-246 ; Pol., pt. 1, ch. 11, p. 185.

Cf. Pétion de Villeneuve and Goupil de Préfeln in the National Assembly, May 17th, 1790, and the almost unanimous declaration by the Assembly, May 22nd, 1790 ; also the Constitution of 1791.

⁵⁸⁴ Leg., liv. 2, ch. 3, p. 195.

⁵⁸⁵ " But let us return to our Peace Magistrates ; the law should form them into a permanent College, so that the same spirit, the same maxims, the same doctrine can be preserved among them. They must be given a fairly large amount of authority so that they may inspire the Republic with their sentiments, instead of obeying the capricious will of a multitude, often misled by a temporary gain, and always unable to read in the future, and to see there what is to be expected of their undertakings." Leg., liv. 2, ch. 3, p. 205.

⁵⁸⁶ Pol., pt. 1, ch. 11, p. 189.

Cf. Pétion de Villeneuve in the National Assembly, May 17th, 1790.

⁵⁸⁷ Cf. Alexandre Lameth, Barnave and Robespierre during the debate in the Assembly, May 15th, 1790. Also Pétion de Villeneuve, May 7, 1790. Also the almost unanimous declaration by the Assembly of May 22nd, 1790, and the Constitution of 1791.

⁵⁸⁸ Cit., let. 7, p. 24.

⁵⁸⁹ Cf. Robespierre in the National Assembly, April 27th and 28th, 1790.

⁵⁹⁰ See the Section on the Army ; Cit., let. 7, p. 242 ; Et. Hist., pt. 3, ch. 4, p. 32.

⁵⁹¹ Leg., liv. 2, ch. 3, p. 200 ; Hist. Fr., liv. 7, ch. 1, p. 68.

⁵⁹² Phoc., ent. 4, pp. 179-181 ; Et. Hist., pt. 3, ch. 3, p. 9.

" The more extended a state is, the more easily will abuses creep in ; this truth cannot be denied. Nevertheless, however vast an empire may be, neither the number nor the extent of its provinces opposes insurmountable obstacles to politics. . . . Men have everywhere the same reason, the same needs, the same social qualities, and the essence of the same passions ; there you have a great point of contact. An astute legislator, merely by giving different provinces the same laws, the same government and the same interests, can make of them one single state. . . . If he is clever, he can oppose to the abuses which arise in an extended society magistrates who are as vigilant as in a small republic. In order to succeed in such an enterprise it is only necessary to decompose, as it were, a state, and to make of all its provinces so many federated republics." Leg., liv. 3, ch. 2, p. 49.

⁵⁹³ " I feel what a good thing it is for all the provinces of a state to have the same rights, the same laws and the same customs ; but this benefit, however great it may be, must not be bought at the expense of the public tranquillity, and less still by shaking the legislative power, on which the welfare of the country rests." Pol., pt. 1, ch. 3, p. 45.

" It is a great advantage for the Americans that the thirteen States should not have mingled their rights, their independence and their liberty in order to form a single republic, which would have established the same laws and recognized the same magistrates." U.S.A., let. 1, pp. 101-102.

NOTES TO PART III

¹ It was during the seventeenth century that selfishness as a prime motive force began to be viewed from the angle of psychology instead of, as heretofore, from that of theology. By the eighteenth century, self-interest as the main factor in human action had become a commonplace of philosophy. Two divergent attitudes towards it should be noted. Mandeville began with the individual, and maintained that the welfare of society resulted from each man seeking his own good. With Shaftesbury the attitude was the reverse. He held that it was from the well-being of society that the individual would draw his good, and in consequence it is the advantage of the former which must first be sought if the latter is to be attained. Both schools of thought harmonized the interests of individual and society, but they approached the subject from opposite directions. It was the doctrine of Shaftesbury that Mably adopted.

² It is worthy of note that his theory of growth bears striking resemblances to that expounded by Mandeville, particularly in the Sixth and Seventh Discourses of Part II of the "Fable of the Bees". Mably had read this work, and it is probable that it helped to shape his opinions on many important matters.

INDEX

- Adams, John, 15
- Ambassadors, 121
- Aristocracy, 139
- Aristotle's inspiration, 19, 212
- Armies, standing, 127, 214
- Art: Mably on simplicity in, 5, 203

- Babeuf, 31
- Bachaumont: memoirs, 12, 14
- Beccaria's influence, 21
- Berne Society, 10
- Buonarotti, 31
- Burke, 216

- Calvin, 76
- Cantillon, 84
- Capital punishment, 105, 206
- Chastellux, 10
- Cicero's inspiration, 19
- Class rights and privileges, 80, 202
- Commerce and wealth, 84
- Commissions, Mably's suggestions on government, 227
- Communism, 11, 13, 30, 31, 74, 198
- equality and property, 71, 198
- Condillac, 4, 13, 41

- Democracy, 138
- Descartes, 42
- Despotism, 140
- Dictatorship, 143
- Diplomacy: books suggested by Mably, 18

- Education and the State, 109
- England and its government, 146, 149, 156, 159, 224
- Equality, communism and property, 71, 198

- Ethics, 48
- and politics, 185
- Executive, 156

- Federalism, 164
- Finance, national, 158
- Foreign affairs, 163
- France: social and political conditions, 37
- suggested reforms for law courts, 209
- suggestions for political reform, 165, 220
- French Revolution, Mably's influence, 26, 235

- Golden rule, 179
- Good, the identity of the natural and the, 184
- Government, forms of, 137
- separation of powers, 147, 218
- Grimm: criticism of Mably, 11, 16, 17
- Guizot, 32

- Happiness, 177, 191
- Harrington's theories, 20, 70, 199
- History, the study of, 67, 115
- the writing of, 68, 193
- importance of imaginary utterances, 68
- Hobbes in Mably, 20, 192
- Hobson, J. A., 200

- Imagination and its importance, 43
- International law, 6, 117
- International relations, 117, 213

- James, William, 177, 183
 Judges and their recruitment, 106, 209
 Justice, 102, 161, 204
- Law, 102, 204
 and reform, 133, 154, 187
 natural, 190
 Law-courts, constitution and procedure, 106, 209
 Legislature, 151, 222
 Liberty, 95, 211
 Locke's influence, 19, 41, 65, 72, 114, 147, 192, 199
 Luxury and riches, 83, 203
- Mably : character and temperament, 18, 22
 early life and work, 4
 ethical and political beliefs, 21, 180
 gold medal of the Académie, 16
 literature concerning, 231
 reasons for neglect of, 32
 religious views, 87, 181
 works, list of his published, 233
 Complete Works edition, 17, 29
 De la législation, 12, 21, 44, 75, 104
 De la manière d'écrire l'histoire, 14, 22
 De l'étude de l'histoire, 13, 24
 De l'étude de la politique, 81, 114
 Des Talens, 55
 Doutes proposés aux économistes, 11, 148, 161
 Droit publique de l'Europe, 8, 21, 95
 Droits et devoirs du Citoyen, 9, 11
 17, 65, 72, 115, 155, 162, 165
 Du gouvernement et des loix de la Pologne, 12, 161
 Entretiens de Phocion, 10, 121
 Le destin de la France (not his work), 17
 Lettres sur l'Opéra, 5,
 Observations sur les Etats Unis d'Amérique, 15
 Observations sur l'histoire de France, 10, 16, 32, 196
 Observations sur les Grecs, 8
 Observations sur les Romains, 9
 Parallèle des Romains et des Français, 5
 Principes de morale, 14, 48
 Principes des négociations, 9, 121
- Malebranche, 42, 89
 Man, theory of the nature of, 40
 Mandeville's *Fable of the Bees*, 20, 308
 "Mixed" government, 146
 Monarchy, 140
 Montesquieu, 5, 8, 9, 26, 30, 57, 77, 96, 137, 144, 148, 218
 Morality and the state, 58
 Mounier : publication of Mably's posthumous works, 16, 17
- Natural and the good, the identity of the, 184
 Natural law, 190
 Nature of man, theory of the, 40
- Passions and reason, 44, 49, 175
 Patriotism, 52
 Physiocrats and their theories, 5, 11, 21, 56, 63, 73, 74, 77, 79, 140, 141, 148, 218
 Plato's influence, 19, 51, 54, 57, 108, 113, 130, 146, 176, 180, 182, 183, 185
 Poland, 12, 23, 96, 104, 143, 151, 156, 157, 161, 165
 Police, 163
 Politics and ethics, 185
 as a science, 40
 basis of, 56
 study of, 114
 suggested books for students of, 114
 Property, equality and communism, 71, 198
 origin of, 71, 199
 Prosperity, 48
 Psychology, 19, 41, 175
- Reason and the passions, 44, 49, 175
 the helplessness of, 188
 Reform in politics, 129
 Religion, 50, 54
 Religion and the state, 18, 86
 toleration, 86
 Riches and luxury, 83
 Robertson, 14
 Robespierre, 28, 213
 Rousseau, 8, 10, 21, 26, 30, 58, 103
 Royer, 28

- Self-interest, 308
- Separation of powers, 147, 218
- Shaftesbury on self-interest, 308
- Society, mutual needs of, 45, 180, 189, 201
 - organisation of, 136, 189
 - origin and growth of, 62, 192
- Sorbonne, 14
- State and education, 109
 - morality, 58
 - religion, 18, 86
 - wealth, 83
- Sumptuary laws, 84
- Sweden, 24, 157
- Taxation, 159, 199
- Tencin, Archbishop: Mably as
 - secretary to, 6, 7
 - Mme. de, salon of, 5
- Thouret, 28
- Treaties, 118, 120, 124, 217
- Vauvilliers, 11
- Virtue, 180
- Voltaire, 14, 21, 22, 60, 69, 200
- Voting, secret, 222
- Wallas, Professor Graham, 188
- War, 122, 213
- Wealth and luxury, 83, 203
 - the state, 83
- Women, 59, 112, 114

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